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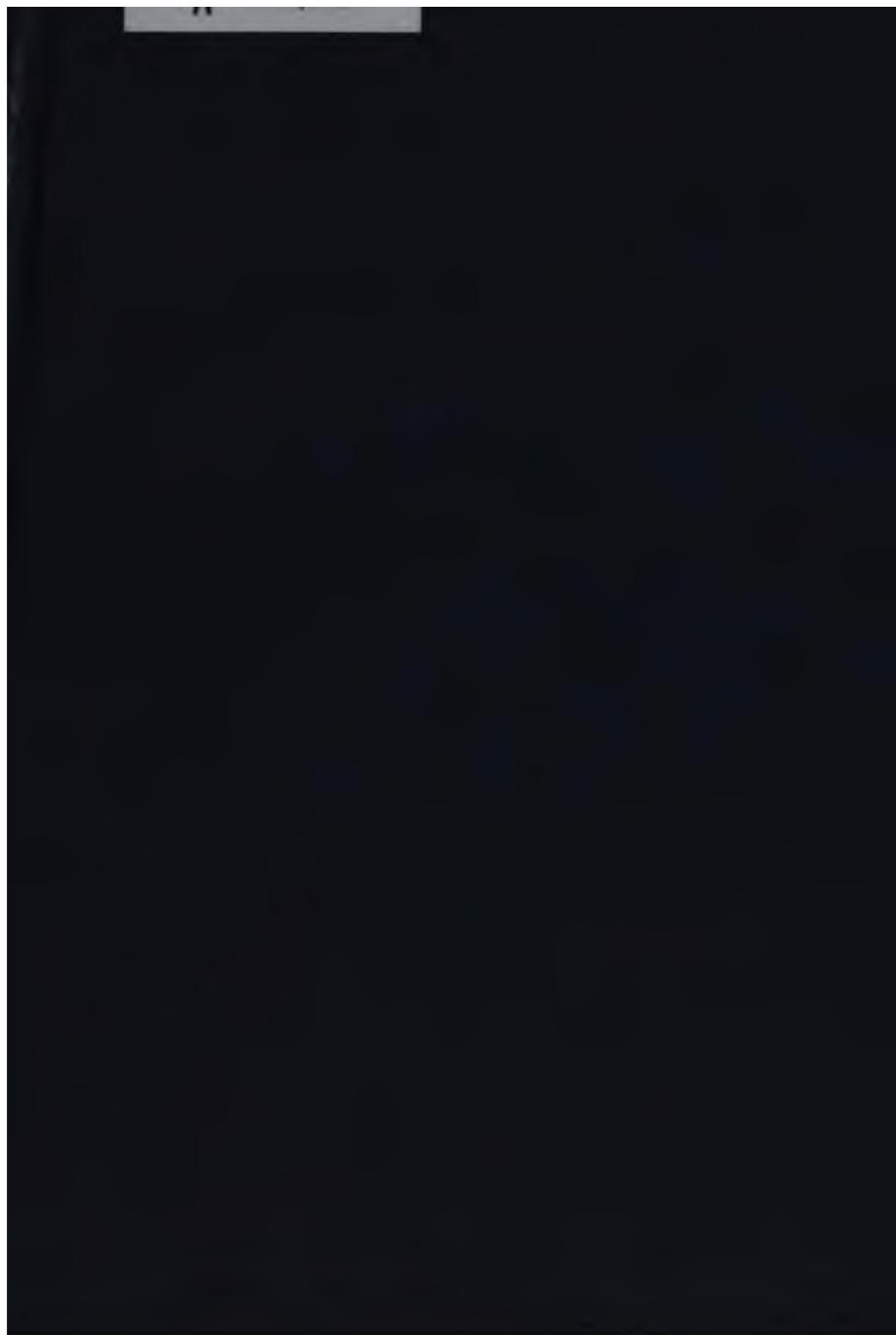
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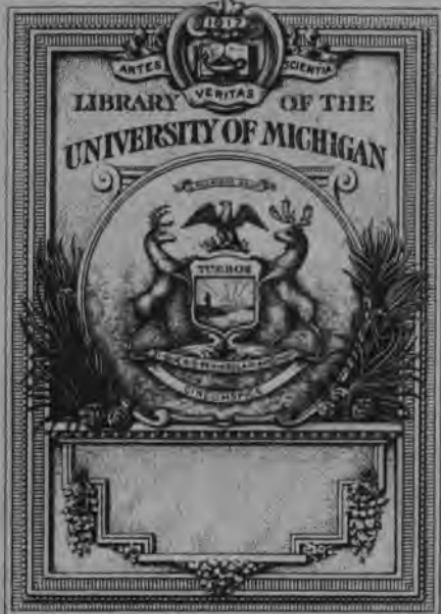
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CLASS OF 1889

THE
HISTORY OF NORTH AMERICA

Francis Newton Thorpe, Ph. D.

*Fellow, and Professor (1885-1898) of American Constitutional History.
University of Pennsylvania, Editor*

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N.Y.
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HIRAM ULYSSES GRANT

*From the painting by A. Muller Ury in the Corcoran Gallery,
Washington.*

THE HISTORY OF NORTH AMERICA
VOLUME FIFTEEN THE CIVIL WAR:
THE NATIONAL VIEW

BY

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EDITOR'S INTRODUCTION

IN the plan of this HISTORY OF NORTH AMERICA, two volumes are devoted to the Civil War: one written from the Southern, the other, from the Northern standpoint. The war was a conflict between two civilizations, two incompatible ideas, two conceptions of republican government, the one embodied in the word NATION, the other, in the word CONFEDERACY.

From the inception of free government in America these ideas were in conflict, each strengthening itself with the accessories of industrial and political life, and both, not wholly unconsciously, tending toward irrepressible conflict. The history of that conflict from its inception is a history of the intellectual and moral development of the people of the United States. For many years the public mind had only obscure notions of the meaning of nationality: the idea was vast and necessarily corrective of moral and industrial defects. Primarily, the idea was of a free State, but half the American Republic was of slaveholding States. The idea was of industrial efficiency, but half the United States was economically inefficient. The idea was of a moral order, irrespective of race, but in half of the United States the African race was believed to be doomed, by the will of God, to permanent, absolute slavery. Entangled with this misconception of republican institutions was the inevitable confusion of administrative functions and theories of government,—slavery drawing to itself, necessarily, an interpretation favorable to its perpetuity. Therefore

taxation, representation, and the actual direction of the government, State and National, became elements of a continuous dispute, the adherents of slavocracy insisting on concentrating all the powers of the Nation in support of slavery, and notably in expanding it over new regions.

For many years the American people moved, apparently without expostulation from any part of the Union, toward the realization of a vast, slaveholding Confederacy, which promised, ultimately to extend indefinitely southward. But the purposes of men must reckon sooner or later with the laws of nature, and these laws, ever operating regardless of the selfishness of men, had, by the middle of the nineteenth century, quite obliterated slavery from the northern half of the Union. But Congress and States persisted in legislating against the laws of nature and the North awoke to a sense of virtue to which it was hardly entitled by its voluntary acts, for in every State, North as well as South, slavery, either African or Indian, had at some time existed. Had the northern boundary of the United States run along Mason and Dixon's line instead of the Great Lakes, the reaction against slavery must have been long delayed, and secession must have broken out from, rather than for, a Slaveholding Confederacy.

The history of the Civil War is essentially the history of a state of mind which once prevailed, which was shaken, which at last gave way. The war was the most gigantic rebellion in history, and came at a time when the New World was loud in its confession of belief in its own intelligence and morality. It broke out in "the foremost Christian nation," as Americans sometimes modestly described themselves, or, as their English cousins described them, perhaps with less violence to the imagination, "a nation of traders and farmers." It is rather a sad commentary on human nature that the fiercest wars have raged among the most highly civilized people. Perhaps Francis Parkman, the most eminent of American historians, whose classic work is the history of ceaseless warfare in America for

nearly a century and a half, has the true interpretation of civilization, when he writes:

"Since the world began no nation has ever risen to a commanding eminence in the arts of peace, which has not, at some period of its history, been redoubtable in war. And in every well-balanced development of nations, as of individuals, the warlike instinct and the military point of honor are not repressed and extinguished but only refined and civilized. It belongs to the pedagogue, not to the philosopher, to declaim against them as relicts of barbarism."

This being true, war is a cleansing process, and a civil war, a process of national purification.

It is as a national, not as a local event, that the Civil War takes on significance. Suppressed rebellions are less interesting, but not necessarily more instructive reading, than successful revolutions. The Civil War in America, as an event in the history of the Nation, was "insurrection and rebellion." Its promoters declared for "independence," and claimed to the end that for this alone they fought; but the parallel they drew with the American Revolution failed at every point, and "independence" resolved itself into what the *London Times*, at first an ally of the Confederacy, came, at last, to call "the Slaveholders' Rebellion."

President Lincoln, whose accuracy of speech, whose insight into conditions and consequences, and whose sense of right and justice are beyond dispute, ever spoke of the war as "insurrection and rebellion," using a phrase of the Constitution of known and adjudicated meaning. John Fiske, with his habitual directness, remarks in the preface to his *The Mississippi Valley in the War*:

"It may be observed that this book sometimes alludes to the Confederates as "rebels." I have been surprised to find how generally people seem to think that some sort of stigma is implied by that word. For my own part, I have sympathized with so many of the great rebellions in history, from the revolt of the Ionian cities against Darius Hystaspes down to the uprising of Cuba against the Spaniards, that I

am quite unable to conceive of "rebel" as a term of reproach. In the present case, it enables one to avoid the excessive iteration of the word "Confederate," while it simply gives expression to the undeniable fact that our Southern friends were trying to cast off an established government. In England, to this day, Cromwell's admirers do not hesitate to speak with pride of the Great Rebellion. While my own sympathies have always been intensely Northern, as befits a Connecticut Yankee, I could still in all sincerity take off my hat to the statue of Lee when I passed it in New Orleans. His devotion to the self-government which seemed to him in mortal peril was no more reprehensible than the loyalty of Falkland to the prerogative of Charles I., though in both cases the sentiments were evoked under circumstances dangerous to the nation's welfare."

Herein we have stated precisely the case before us: an account of the Civil War as an event "dangerous to the Nation's welfare."

The Nation, then, being the chief theme, its aspirations, its efforts, its achievements become the subject of the story. It is not that there was lack of devotion or bravery among the armies of the Confederacy, or that there was devotion and bravery in the armies of the Union; it is the cause of the Confederacy as "dangerous to the Nation's welfare" that here engages us. Tested by the conditions of nationality, that "cause" was baseless. The Northern mind finds itself incapable of discovering any justification for the Confederacy, or the war which it precipitated. The North searches the literature of the New World in vain for an apology for that war which is comparable with the Declaration of Independence, or Lincoln's first inaugural. It sees men of genius at the South diverting its energies into the devastating channel of slavery, seemingly for no moral end; for at last the North came to condemn slavery, repentant amidst the throes of defeat and anguish for its dead. The South, not the North, is entitled to the credit of compelling

the abolition of slavery; the South, not the North, demonstrated the fallacy of the doctrine of State sovereignty and secession: and no false doctrine was ever so ably defended, as by Calhoun in the Senate, by Lee and Johnston in the field. It is not a question of bravery, or of fighting qualities, or of military genius, South or North, but a question of stern, industrial necessity: for the stars in their courses fought for the true economy of the Nation, and the unyielding law of nature was wiser than selfish men. Lincoln expressed the whole in an epigram: "This government cannot endure permanently half slave and half free; it will become all one thing or all the other."

The state of mind of the American people changed amidst civil war: this is the conclusion of the whole matter.

The present volume is a civil rather than a military history, for the civil victory of the Nation over Confederacy was of far greater import than a merely military conquest. In a national sense, the American people, through the awful experience of civil war, returned to the principles of the Fathers and purified the republic of political corruption. The North does not boast of prowess or achievement; it does not, it cannot look upon the South as having been a conquered country: for the final triumph of national ideas was won against bitter and treacherous foes at the North who, in the judgment of loyal men and women, outclassed the fiercest of Confederates at the South.

Happily for him who attempts to write the history of the Civil War, he has a friend, counsellor, and guide in the foremost man of the age, Abraham Lincoln. The simple perusal of his now published utterances and writings will give the justest idea of what the war meant: and yet probably no person would have been more surprised than Lincoln, had he been told that he had written the best history of the Civil War in America.

It is through Lincoln's eyes that I have tried to see the war. The Nation's "new birth of freedom" is his pacific interpretation of that mighty conflict.

In the volume which precedes this, *The Civil War from a Southern Standpoint*, the reader is shown the other side of the picture. In Volume XVI, *The Reconstruction Period*, Volume XVII, *The Rise of the New South*, and Volume XVIII, *The Development of the North*, the history of the country is carried forward after 1865, the close of the War. Happily for America the Nation now knows no North, no South, no East, no West, but only the beneficent realization of Webster's vision:

“Liberty and Union, now and forever, one and inseparable.”

FRANCIS N. THORPE.

AUTHOR'S PREFACE

HE who writes on any aspect of the Civil War must of right acknowledge his indebtedness to a great company of writers who precede him, links in the chain binding the present to the past. The enormous number of books about the War preclude the probability that any reader or writer is familiar with their contents, but every one who presumes to write of the War is specially indebted to some group of secondary authorities which for some reason have become familiar to him. Some twenty years ago I began gathering material for a civil history of the United States during the period of the Civil War; I became interested in Confederate and Federal legislation,—a rather neglected field,—made exhaustive abstracts of all legislation by Southern States; collected the journals of the secession conventions, also a large number of pamphlets expository of the issues arising during the period. At the time of the death of Jefferson Davis, I had collected for me the editorial comments and reviews on his life and work, some twelve hundred articles, from nearly four hundred principal newspapers of America and Europe, recording the opinion of the world respecting Davis thirty years after the War; I also collected or made abstracts of documents recording the action of Congress regulating political and civil affairs, during this period; finally, I went pretty carefully through the important "Memoirs" and "Narratives" of the chief participants in the War. This material, quite extensive in the aggregate, is the chief original material I have consulted in the preparation of the present volume; but in addition I have freely used a few

secondary authorities, all of whom are named as cited or quoted. Among these, first place belongs to Nicolay and Hay's *Lincoln: A History*, the most important contribution thus far made to an understanding of the Civil War. This monumental work I have treated practically as a document, because of the peculiar relation of the authors to President Lincoln, their association with the principal public men of war time, and their authoritative, and often exclusive, knowledge of the true course of affairs. Lincoln's works, either in the Century Company's edition in two volumes, or the Tandy edition in twelve, I have used as the primary source of our knowledge of the attitude of the national mind to the great conflict. The plan of the series of which this volume is a part excludes footnotes, and for that reason I have quoted where ordinarily I would have paraphrased and indicated the authority by a footnote. From beginning to end I have had but one thought: to bring home to the reader the best I could obtain for him, ever subordinating myself to him; and whenever an acknowledged authority has recorded affairs in a masterly way, I have not hesitated to give the reader the benefit of the master.

Free use, the reader will discover, has been made of the writings of American statesmen, jurists, and journalists, that the growth of ideas may, as it were, trace itself from generation to generation. Of special usefulness are the Census Reports for 1830, 1840, 1850, 1860, and 1870, which have been sedulously consulted; also *The Messages and Papers of the Presidents*, Richardson, i-vii; *The Federalist*; Johnston's edition of *American Orations*, and also his critical papers on American history in Lalor's *Cyclopædia*: no writer of his day placed his successors under greater obligations than did Alexander Johnston. Having treated the constitutional history of the period at length in my *Constitutional History of the United States*, I have drawn from that work the account of the creation and admission of West Virginia, and have utilized its material in the account of the abolition of slavery. The rather long editorial from the *London Times*

of December 7, 1889, could not well be cut down without doing an injustice to the reader, as the editorial is perhaps the best summary of the War from an English source, and is the more interesting because of the known attitude of the paper toward the Union in 1861-1864. The Civil War was a mighty national adjustment, fundamentally of an economic nature, and the present volume is written as a modest contribution to help to interpret it in that way.

FRANCIS N. THORPE.

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THE CIVIL WAR:
THE NATIONAL VIEW

THORPE

CHAPTER I

THE LAND AND THE PEOPLE

THE American Civil War was the result of differences and antagonisms which had long been intensifying and accumulating. Though originally of homogeneous stock—the slight intermixture of other than English stock not being sufficient to give a distinctive character to our early institutions—the Thirteen Colonies founded along the Atlantic seaboard developed in the course of two and a half centuries heterogeneous elements which in 1861 separated into mutually hostile sections, the South and the North. Much has been written about that separation: before it occurred its approach was heralded by discerning minds; the course of affairs during the conflict over separation was recorded by participants, military and civil, of the rank and of the file, and of every degree of insight, candor, accuracy and interest. Eminent foreigners described the conflict as they saw it, and others, no less eminent, discussed it as they understood it. Never before in the history of the world was there made so complete, so various, so contemporaneous a record of a great war. And to the conscious and unconscious record of the rank and of the file, of civilians who directly or indirectly participated, at the South or at the North, in helping or in hindering the struggle, there was added the voluminous official record of the government itself—constituting in all a mass of evidence long since too great for the most industrious man to read and digest, were his life prolonged many

years beyond the limit of the psalmist. And yet as time goes on, of the making of books about the Civil War there is no end.

A glance at the character of the books about the War discloses almost as much as the books themselves. Before 1861 a few heralds and prophets of unrest spoke of an "impending crisis"; of an "irrepressible conflict"; of a "house divided against itself." During the course of the war and the years immediately following, men wrote of battles, sieges and the fortunes of war; of the heroism of soldiers and sailors; of the tactics and strategy of generals, and the victory or defeat of armies. A few years passed and men were writing about the immediate results of the War; of the problems of "restoration" and of "reconstruction," and the present and future of that "unabsorbed and unabsorbable element" in America—the negro. Yet a few years later men began seriously discussing the causes and consequences of the War; not merely political causes and consequences—but social, economic, industrial causes and consequences. Strictly military and naval histories by experts began to appear: the Civil War began to disclose in perspective its enormous proportions and meaning. Men wrote with less passion and keener insight; mutual recrimination fell under the ban of justice, and students and writers and reflecting people, north and south, and in foreign lands, gradually began a rational interpretation of events which culminated in the terrible conflict and of events which followed it. In truth, the Civil War of 1861 passed into history and became the subject of investigation as other mighty conflicts have become. And out of the vast library on the War men now, more than forty years after its close, select those interpretations of its causes, its course and its consequences which appeal to the considerate judgment of mankind. Yet to the end of time, men who presume to write seriously on the American Civil War will continue to write of its causes, its course and its consequences. Of its causes there is less and less conflict of opinion as the years pass; of its course

there is, there must be, an ultimately accepted record, but of its consequences there must ever be a various interpretation.

The people who colonized the South, like those who colonized the North, were of English stock. The northern colonists were imbued with moral and religious ideas which, as they interpreted morality and religion, made them austere. The soil and climate at the North compelled them to be industrious and withal contributed to develop in them social and civil ideals—conceptions of the state and notions of government which characterize them as a people in the New World. The southern colonists, of a somewhat different social class from many of the northern ones, were also imbued with moral and religious ideas, as they understood morality and religion, but their interpretation of these included pleasure and comfort and the enjoyment of material things. Both groups of colonists worshipped the same God, spoke the same tongue and swore allegiance to the same body of supreme civil law; but the potency of a latent diversity was working in America and by the time that Virginia and Massachusetts had been settled a hundred years, the people within their respective bounds were disclosing diversities and contrasts; and not their people only, but they of the entire northern group of colonies as compared with them of the entire southern group. The cause of this diversity was climate. That cause early in our national history began its obscure operation, working out two types of people whose possession in common was rapidly vanishing. The climate of the North intensified all the austere, individualistic characteristics; the industrialism, the sense of the equality of men, which grew apace during the next hundred years; and during that time the climate of the South intensified, equally, the love of material comfort, of ease and pleasure and the merger and identification of this love with the dominant ideas of morality, religion and government.

Until almost up to the outbreak of the Revolution, the colonies North and South were held in mutual sympathy and co-operation—feeble as they may have been at times—by

the consciousness of a common danger: the Indians and the French; and the cessation of this dual peril was scarcely announced before a greater followed—the intolerable administration of colonial affairs by the mother country. It is true that maladministration, such as our fathers complained of in the Declaration of Independence, may seem to many, at the present time, when compared with maladministration in other lands and in our own land at later periods, almost slight and insufficient to provoke a revolution and we know that American independence was not demanded, was, indeed, scarcely thought of until a few months before the Declaration of Independence was issued. Yet, maladministration of colonial affairs by the English government was the immediate cause of the Revolution, and that maladministration brought all the colonies closer to one another than they had ever been before. The culmination of the sense of danger and of the struggle to relieve themselves of the evils of which they complained was the independence of the colonies. In the familiar language of that time they called themselves free and independent States, and, in the treaty of peace which the representatives of these States signed, the States were described as "free, sovereign and independent." Whatever the motive of the English government in inserting this description of them, the States themselves did not appear as individual parties to the treaty of 1783. The parties to that treaty were England, France and the United States—and by the United States was meant the United States in Congress assembled. Congress, though possessing limited powers, such as had been granted to it by the several States, acted as the representative of the States and not directly of the people, because the delegates to Congress were elected by the several State legislatures much as United States senators are now elected. The Congress of the United States at the close of the Revolution stood for whatever sense of nationality then existed, without itself being a strictly national body. The national idea as now understood was hardly born in 1776. A few aggressive, discerning minds, of whom

Thomas Paine, and, later, Alexander Hamilton and James Wilson, Gouverneur Morris and George Washington were among the first, advocated nationality, and a more perfect union of the American people while yet the Revolution was in progress: but the idea was obscure to most men, North and South, and like all epoch-making ideas required ample time to work out its own definition. Obscure, however, as was the idea of nationality at the time of the Revolution and even at the time of the treaty of peace in 1783, the idea itself might be traced to the pressure of necessity as interpreted by a few leading minds of the country. Without delaying here to name the time or to define the circumstances of the birth of the national idea, it may be said that external pressure and the sense of peril brought the colonies closer to one another at the time of the Revolution than ever before: the immediate fruit of that pressure was the formation of the Confederation under a plan or constitution proposed in 1777 by the Congress and ratified by the requisite number of States, after discussion and debate running through nearly four years, on Thursday, the first of March, 1781. This was a little more than two years before the treaty of peace, September 3, 1783.

At the time of the formation of this first American Union, practically with the assembling of the Congress at Philadelphia in May, 1775 (the earlier Congresses were reform conventions rather than Congresses), the theory of government received more serious consideration than the administration of government: questions involving the organization and relation of the legislative, the executive and the judiciary, their respective and aggregate powers, confederate and state, monopolized the minds of men in public life almost to the exclusion of administrative questions—such, for example, as the best method of levying taxes, the best financial system, the best industrial system, adapted to such a country as ours. The result was that America took its place among the nations of the earth as an exponent and advocate of republican institutions organized according to the somewhat

conflicting theories held at the time respecting the true basis of those institutions, but with slight, almost with no experience in the administration of government. And yet, as Franklin said, in the closing moments of the convention which framed the Constitution of the United States, "there is no form of government that may not be a blessing to the people if well administered." This remark, made in 1787, expressed a conviction understood by few in the United States at the time. A reading of the debates and discussions of the early Congresses; those from 1774 to 1787, and of the correspondence of public men in America during these years justifies the assertion that during the first decade of American independence, the people of this country North and South concerned themselves very little with the problems of civil administration, but became very familiar with the theories of republican government. And yet it is the administration of a plan or constitution of government which is the one supreme test of the worth of that government. If the people might differ among themselves respecting their civil institutions, they would be likely to differ according as they imputed administrable qualities to the plan or constitution of government in force. It is well known that the Confederation of 1777 failed to work and that it was supplanted by a government the plan or constitution of which was made in convention at Philadelphia during the summer of 1787, and that this constitution, at last ratified by the requisite number of States, took effect on the fourth of March, 1789, from which day dates the government under which we now live.

Was this new government thus inaugurated in 1789 a National Government or a Confederation?

The answer to this question goes far to bring into clear definition some of the causes of the Civil War.

By the treaty of 1783, the United States extended from Canada to the Floridas; from the Atlantic Coast to Mississippi River. The thirteen colonies had become thirteen States, each organized in the form of republican government,

and by republican government a representative government is meant. The boundaries of the several States were in confusion; portions, here and there, had been surveyed or tacitly agreed upon, but the western boundaries of all the States—excepting Rhode Island and Maryland, New Hampshire and Pennsylvania—coincided with the western boundary line of the United States. Thus nine of the States claimed vast domains to the west of them and reaching to the Mississippi. The entire area of the United States under the terms of the treaty was about 830,000 square miles, of which 488,248 square miles comprised the western lands, or “Western Territory.” Thus considerably more than half of the public domain lay to the west and outside of the thirteen States as known to us to-day.

While yet the States were loosely united as the Confederation, five States, New York, Virginia, Massachusetts, Connecticut, and South Carolina ceded their title and claims to western lands to the United States (March 1, 1781-August 9, 1787); North Carolina followed in 1790, and in 1802, Georgia sold to the United States the 88,578 square miles of western lands which that State claimed. Thus almost with the opening of the new century, the United States became owner of more than half of the national domain—that is, of all except the area now comprised within the thirteen original States. This acquisition and ownership by the Federal government will be found to have a distinct bearing and operative force as a cause, later, in discussions and disputes of an administrative character, concerning the relations of the States to the United States. At the time the United States acquired this western territory, the land was considered as a public asset which should be utilized to pay the debts of the United States, public and private: that is, money owing to public creditors—France, Holland—and to private—the revolutionary soldiers.

At the first census, in 1790, the year following the inauguration of the present national government, the population of the United States consisted of 3,929,214 persons, of whom

697,879 were negro slaves, and 50,466 free persons of color. In the order of population, Virginia was first, 748,308, of whom 293,427 were slave, and 12,766 free colored; Pennsylvania second, 434,373, of whom 3,737 were slave, and 6,537 free colored; North Carolina third, 393,751, of whom 100,572 were slave, and 4,975 free colored; Massachusetts fourth, 378,717, of whom 5,463 were free colored; New York fifth, 340,120, of whom 21,324 were slave, and 4,654 free colored; Maryland sixth, 319,728, of whom 103,036 were slave, and 8,043 free colored; South Carolina seventh, 249,073, of whom 107,094 were slave, and 1,801 free colored; Connecticut eighth, 238,141, of whom 2,759 were slave, and 2,801 free colored; New Jersey ninth, 184,139, of whom 11,423 were slave, and 2,762 free colored; New Hampshire tenth, 141,899, of whom 158 were slave, and 630 free colored; Vermont (admitted, 1791) eleventh, 85,416, of whom 17 were slave, and 255 free colored; Georgia twelfth, 82,548, of whom 29,264 were slave, and 398 free colored; Kentucky (admitted, 1792) thirteenth, 73,077, of whom 11,830 were slave, and 114 free colored; Rhode Island fourteenth, 69,110, of whom 952 were slave, and 3,469 free colored; Delaware fifteenth, 59,096, of whom 8,887 were slave, and 3,899 free colored; Tennessee (admitted, 1796) sixteenth, 35,791, of whom 3,417 were slave, and 361 free colored. The District of Maine belonged to Massachusetts and contained 96,540, of whom 538 were free colored. Adding the population of this District to that of Massachusetts, the latter ranks second, thus making Pennsylvania third, and North Carolina fourth.

By this census the United States was disclosed to the world as a slaveholding nation: Massachusetts alone of the sixteen States having no slaves. By the census of 1800 Vermont drops out of the column of slaveholding States, but there appear the Territory of Indiana, with 135 slaves; that of Mississippi, with 3,489; that is, a Union of sixteen States in only three of which, Massachusetts, Vermont and Ohio (admitted, 1802) no slaves were held.

In 1810, there were seventeen States; New Hampshire drops out of the slaveholding column, so that the free soil column includes Massachusetts, New Hampshire, Vermont and Ohio. In 1820, of the twenty-three States, Maine, Massachusetts, Vermont and Ohio are not in the slaveholding column; the new States since 1810 are Louisiana, Indiana, Mississippi, Illinois, Alabama and Maine; Indiana is reported as having 190 slaves; Illinois, 917, though both were created out of territory in which, by the ordinance of 1787, slavery was forbidden.

In 1830, the Union comprised twenty-four States, Missouri having been admitted in 1821. Massachusetts is in the slaveholding column with one slave; Ohio has six; Indiana, three. Ten years later, two States have been added to the Union, Arkansas and Michigan: the States which do not appear in the slaveholding column are Maine, Massachusetts, Michigan, and Vermont. Connecticut has seventeen slaves; Indiana, three; New Hampshire, one; New York, four; Ohio, three; Rhode Island, five; Pennsylvania, sixty-four. That is, between 1830 and 1840 slavery quite disappeared in these States.

In 1850, thirty-one States comprised the Union, of which sixteen were free and fifteen slaveholding. New Jersey with 236 slaves was the only Northern State in the slaveholding column. Ten years later, 1860, New Jersey reported eighteen. The Union then consisted of thirty-three States—Minnesota and Oregon, both free States, having been admitted, the one in 1858, the other, in 1859.

Thus it appears that in 1790, judging alone by the actual presence of slaves in a State, slavery—that is the right to hold slaves—was almost universal in the Union, but in 1860 it no longer existed at the North. Yet in 1790, if the actual number of slaves in the several States be considered, the prospect of the perpetuity of slavery in New Jersey was as portentous as in Kentucky—the respective number of slaves in the two States being a few over 11,000; Connecticut and Tennessee had about an equal

number and New York only about 8000 fewer than Georgia. In the aggregate, in 1790, New England contained 2,934 negro slaves; New York, New Jersey and Pennsylvania, 36,524; and the remaining States about 630,000.

Though the census of 1840 is the last in which a New England State (Rhode Island, 4; New Hampshire, 1) is entered in the slaveholding column, New Jersey alone of the Northern States remaining in the column for 1860, we know that all slaves in Northern States of whom the census took notice after 1840 were either temporary residents of the State with their masters, or slaves who under existing laws had not yet attained the period at which they were entitled to enfranchisement. There was no introduction of new slaves into any Northern State, as property, after 1840. Texas was the last slave State admitted into the Union, 1845, a date which not only fixes the time when the State extension of slavery was limited, but also the time when, excepting in New Jersey, the last slave disappears in the free States. Texas was the twenty-eighth State and was followed in 1846 by Iowa, in 1848 by Wisconsin, both free States, at which time the Union comprised fifteen slave and fifteen free States. The admission of California, in 1850, as a free State, gave the free States the control of the Senate. It is interesting to note that the date of the admission of California coincides quite closely with that of the disappearance of a slave population at the North—there then remaining 236 slaves in New Jersey, which diminished to 18 by 1860.

As against these eighteen survivors at the North, in 1860, there were 3,950,531 slaves at the South. The free colored population was almost equally divided, in 1860, between the North and the South: there being 268,817 in the free States and 247,817 in the slaveholding States. But this apportionment derives its true significance from the actual distribution of free persons of color; thus they were a negligible quantity in the Gulf States—Texas, 355, as against 182,566 slaves; Mississippi, 773, as against 436,631

slaves; Louisiana, 18,647, as against 331,726 slaves; Florida, 932, as against 61,745 slaves, and Arkansas, 144, as against 111,115 slaves. Coming northward, the free colored population was more numerous, as in Virginia, 58,042, as against 490,865 slaves; North Carolina, 30,463, as against 331,059 slaves; Maryland, 83,942, as against 87,189 slaves, and Delaware, 19,829, as against 1,798 slaves. Crossing the border into the free States, the free colored population numbered 56,849 in Pennsylvania; 36,673 in Ohio; 49,005 in New York; but continuing north one finds only 709 in Vermont, 494 in New Hampshire and but 128 in Oregon. All this signifies that free persons of color were practically eliminated from the lower South and increased in numbers in the upper South—North Carolina, Virginia, and especially in Maryland (where they quite equalled the slave population in number) and in Delaware where they exceeded it a thousand per cent. Persons of color, who in 1860 were neither slaves nor could possess the rights and privileges of white men (excepting in Vermont and some parts of Massachusetts), though free to migrate, were not found in large numbers above the latitude of Philadelphia—the seemingly large number in New York being found chiefly in the city of New York in domestic service and as unskilled laborers. It would seem, therefore, that the natural law which determined the place of the free negro's residence might also affect the extension of slavery itself.

If the New England States had the climate of the Carolinas, would the census tables made at intervals of ten years, beginning in 1790, have recorded the disappearance of these States, and of their neighbors to the west, and of Ohio, Indiana, Illinois, the middle West, California and Oregon, from the column of slaveholding States? Or, to put the question in a very simple way, was it too cold at the North to make negro slavery profitable? Did the climate of the South affect the opinions of its people concerning slavery?

It is certain that in 1860, when rumors of civil war were flying thick and fast, few negroes in the United States were

found living farther north than the latitude of Philadelphia; slavery had at that time disappeared in every Northern State (save a vestige in New Jersey—a Northern State with a southern climate), and in the northern tier of Northern States, Maine, New Hampshire, Vermont, northern New York, Michigan, Wisconsin, Minnesota, Oregon, a negro was seldom met with. The climatic limitation of the range of the negro to-day is the same as in 1860.

It would seem then that the South had the negro on its hands in 1860, as it has him to-day, chiefly because of the law of climate. And the North did not have the negro in 1860, as it does not have him to-day, because of the same law. If it be asked why in 1790 and earlier, negro slavery existed in New England and in the Middle States in spite of the climate, the answer is contained in the question: it existed in spite of the climate. But negro slavery at the North was not profitable, excepting as at Newport, and at other markets, where slaves were bought and sold as commodities. Gradually the conviction grew at the North that slavery was wrong, and gradually slavery at the North disappeared. Whether the northern conscience would have pronounced slavery a crime had slavery been profitable all the way up to the Canadian border is a question which Southern men can answer perhaps more accurately than Northern men: for the climate which is necessary to the existence of the negro is the climate of the South rather than of the North. If slavery was right at the South at any time, it would have been right at the North whatsoever the climate at the North might be. So the question comes back to the rightfulness of slavery under a climate favorable to slavery—that is, to the rightfulness of slavery of itself. And herein lies one of the causes which led Southern men and Northern men to differ in opinion and by so much precipitated the Civil War. At present the important conclusion is that in tracing the history of slavery in the United States, we are early confronted by its disappearance gradually from the North and by its increasing strength at the

South: phenomena which seem partly explicable by the laws of climate.

Had the United States never exceeded the limits of its original area—from the Atlantic Coast to the Mississippi River, from Canada to the Floridas—what would have been the fate of slavery?

When the first census was taken, in 1790, the North was not distinctively free soil, but the South was distinctively slave soil. It does not appear that at the time of the formation and adoption of the Constitution, American statesmen anticipated the extension of the boundaries of the republic across the Mississippi. In the Federal Convention there was frequent utterance of opinions hostile to the formation of new States west of the original thirteen. No member of that Convention appears to have realized that within fifty years the last foot of soil between the original States and the Mississippi River would form part of the domain of an organized State—Michigan was admitted in 1837—or that within twenty-five years the Union would include Louisiana, a State west of the great river. We must not forget that the Constitution was made ostensibly for a small domain, the portion of the present United States east of the Mississippi and excluding Florida; that at the time of its formation and adoption, the National domain was about equally divided among slave States and free States and the regions west of them respectively. The Constitution was a compromise almost from Preamble to final clause, and several most important compromises were dictated by slavery: but so evenly divided were the land and the people between free and prospectively free soil, and slave and prospectively slave soil that slavery caused no alarm for the continuity of the Union. Had the original area of the United States never been passed, slavery would have been extended as it was extended directly west of the South to the Mississippi. The Ordinance of 1787, creating the Northwest Territory, also excluded slavery from it; the Ordinance creating the Southwest Territory permitted slavery within it and

practically forbade its exclusion, as it could not be excluded without the consent of the slaveholding States. Thus comparatively early in the history of the United States, had the original boundaries never been passed, slavery extension and slavery limitation would have met at the Ohio and it may well be doubted whether the climate of the States north of the Ohio would have so yielded to the will of man that negro slavery could be made profitable there, or that a negro population any greater than now exists there could have been assembled under a slave code.

Now no people can become a world power unless they possess, control and utilize a large domain: a large population implies much land. Early in the history of the United States, while yet the population, bond and free, fell short of five millions, in 1803, the Louisiana country was purchased from Napoleon. The importance of that acquisition to the development of the United States cannot be fully estimated, for until the end of time it must continue to affect the destiny of the American people and indirectly of the remainder of the civilized world. That acquisition added at a stroke 1,182,752 square miles of territory and carried the boundaries of the republic westward to the Rocky Mountains. Louisiana, admitted in 1812, was the first State carved from that territory; Missouri, in 1821, the second; Arkansas, in 1836, the third—all slave States. The sudden and unexpected controversy over the admission of Missouri, for the first time brought home to the American people the question whether a territorial limit should be set to slavery. The opinion of the people was divided but the restrictionists triumphed and all that portion of the Louisiana Purchase lying north of the line $36^{\circ} 30'$, excepting the State of Missouri, was assigned and set off as free soil forever. Although there were slaves in the Northern States in 1820, at the time of the Missouri Compromise, slavery as an institution did not exist at the North and the great Compromise extended the zone of free soil to the Rocky Mountains. Thus it appeared to many, in 1820,

that the final boundary on slavery had been set; that it could go no further and that it was in course of ultimate extermination.

Population was almost equally divided between the free States in 1790 (1,968,453), and the slave States (1,961,374); also in 1800 (free States, 2,684,616, slave States, 2,621,316); and again in 1810 (free States, 3,758,910, slave States, 3,480,902); but in 1820, the year of the Missouri Compromise, the free States contained a larger proportion than ever before (5,152,372, slave States, 4,485,819). It was the preponderance of the North, in 1820, together with the limitation of slave territory under the terms of the Compromise which now alarmed the South. For the first time the institution of slavery seemed in danger, not alone because of lack of population at the South as compared with that at the North, but rather because of the limitation of the area open to slavery: the acquisition of the Louisiana country had strengthened anti-slavery and the free States more than it had strengthened pro-slavery and the slave States, because of the Compromise of 1820. The only possible counterbalance was the acquisition of an area as great as the free soil area of the Louisiana Purchase and the extension of slavery over it. Partly to secure this result, though also for other and equally persuasive reasons, the two Floridas, comprising 59,268 square miles of land, were purchased from Spain in 1819; Florida was admitted a State in 1845, with slavery, and West Florida became slave soil as part of Mississippi. But the relatively late date of the admission of Florida, more than a quarter of a century after the purchase of the peninsula from Spain, intimates that other causes than the willingness to create a new slave State were operating in the country: population was moving westward from the older States, not eastward. Immigrants from the free States were demanding in 1845 the admission of Iowa and Wisconsin. Immigrants from the slave States had removed into Texas and to obtain more slave territory the Mexican War was precipitated. Texas

by joint resolution of Congress was admitted into the Union, December 29, 1845, with the understanding that it might in time be subdivided into five slave States to counterbalance an equal number of free States. That the authority of the United States must ultimately extend to the Pacific Coast became clear to thoughtful men after the acquisition of the Louisiana Territory. The region between Texas, the Rocky Mountains and the Pacific Coast, comprising what was called in 1848 "Upper California," was purchased from Mexico, February second of that year, adding 522,568 square miles to the public domain. Prior to this and in the same year as the purchase of the Floridas, the United States perfected its title to the Oregon country, claiming it by right of Captain Gray's discovery of the Columbia River in 1792; by right of the exploration of the country by Lewis and Clark, in 1805; by actual settlement of the country in 1811, and by treaty with Spain, in 1819.

Thus at the conclusion of the Mexican War, in 1848, the United States extended from the Atlantic to the Pacific and from British America to Mexico and the Gulf. In 1853, the United States purchased the Mesilla Valley from Mexico, thus adding 45,535 square miles to its domain. The acquisition was not made for the sole purpose of gaining more land for slavery, but for the purpose of relieving the United States of an onerous duty imposed by the treaty with Mexico, of 1848, by which the United States agreed to protect Mexico from Indian incursions. There were also other reasons, one of which was the prospect of using the valley as a route of the then projected Southern Pacific railroad. Yet if it should prove inhabitable—and there was a common belief among the few who knew much about the country that it would not—it would lie in the line of migration from the slave States and it lay below the line of the Missouri Compromise. Hence, by the middle of the nineteenth century the people of the United States owned a continental domain. Gold had been discovered in California before the excitement over the Mexican War had

subsided. By the middle of the year 1849 nearly two hundred thousand men had arrived in California from various States and countries and straightway they organized a State government and petitioned Congress for admission into the Union. At this time the population of the free States, fifteen in number, was 13,599,488; that of the slave States, also fifteen in number, 9,663,997. The majority of the settlers in California were not from the slave States. Iowa and Wisconsin had recently been admitted, the first in 1846; the second two years later. According to the economics of slavery California should come in as a slave State but it rejected slavery and petitioned to enter as a free State. There were former slaveholders and supporters of slavery in the Monterey convention which framed the constitution under which California asked admission, but that constitution forbade slavery. It was not forbidden because the Californians pitied or loved the negro, or because they wished to attack slavery at the South, or to interfere with slavery in any way; slavery was forbidden in California because the men who lived there and who were laboring in the mines or elsewhere refused to put themselves in competition with slave labor. The gold miner refused to allow slave labor for the benefit of the master; labor should be free, fair, open and on equal terms. Every man should have an equal chance to gain wealth, and no man should have the advantage of the profits of slave labor. California prohibited slavery solely and strictly on economic grounds and with no thought of the negro: the new State government should be of white men, by white men and for white men, and though the attempt to exclude negroes, bond or free, failed in the convention, public opinion operated practically to exclude the negro from the State.

But the petition of California to be admitted as a free State and its admission on the ninth of September, 1850, revealed to the South and to the supporters of slavery everywhere in the United States that though there was a vast area into which slavery might lawfully be introduced, the

population of the South was not equal to the task of founding new slave States and that the population of the North was sufficient for the founding of new free States. Slavery, in 1850, suddenly discovered that it was in peril of ultimate extinction because of lack of men. The North, in 1850, outnumbered the South by nearly four million inhabitants, a resource sufficient, with the aid of foreign immigration, to found an indefinite number of free States west of the older free States. In 1820, at the time of the Missouri Compromise, the South was alarmed because it lacked land; thirty years later it was more alarmed for the institution of slavery because it lacked people. Supporters of slavery throughout the country, therefore, in 1850, made demands for its further protection and security. These demands raised and involved many issues, for in one way or another slavery was entangled with all the great issues before the country: industrial, political, social and moral.

Congressional control over slavery was not a new idea in 1850. Such control had been exercised by the enactment of the Ordinance of 1787 excluding slavery from the territory north of the Ohio; in 1820, in the Missouri Compromise; and in 1838, when Iowa territory was organized. Again, on the eighth of August, 1846, while negotiations were pending with Mexico, David Wilmot, a representative from Pennsylvania, submitted a proposition to exclude slavery forever from all soil acquired from Mexico, and his proposition was carried in committee of the whole by a vote of eighty-three to sixty-four. The measure failed in the Senate but its spirit was a sign of the times. No political party fathered the proposition. In the next Congress Calhoun demanded legislation that should declare that the Constitution and laws of the United States applicable to a Territory should be extended over the Mexican purchase, which should make that purchase slave soil. Here was a distinct issue: slavery limitation or slavery extension. The South speaking through Calhoun was demanding that the new acquisition should be opened to slavery; as yet no defined

political party, nor the North, was demanding that slavery be excluded from that Territory; but the South took alarm at the meaning of Congressional legislation in any form hostile to slavery; the South was determined that all legislation in the United States touching slavery should either be favorable to it or at least not hostile.

The issues in 1850 which gathered about slavery were made the basis of another compromise by which the Missouri line, $36^{\circ} 30'$, was continued to the Pacific; California was admitted a free State; the slave trade but not slavery was abolished in the District of Columbia; the Territories of New Mexico and Utah were organized without mention of slavery, leaving to the people of these Territories to determine, when they formed their State constitutions, whether or not slavery should exist among them. As affecting the land, the Compromise of 1850 assigned more to free than to slave soil for 'the area north of the line $36^{\circ} 30'$ ', was greater than that south of it; moreover, the existence of slavery in New Mexico and Utah, when they should become States would depend upon the people of these States, and California was admitted a free State. As there were more people in the free than in the slave States, the prospective effect of the new compromise was more favorable to freedom than to slavery: the greater area was open to freedom and the greater part of the population of the United States dwelt on free soil. Thus by the new compromise slavery gained only a contingency—that the people who should settle in New Mexico and Utah might make them slave States. This contingency seemed the more doubtful because the population of the free States exceeded that of the slave States by four millions and emigration west was from the free States rather than from the slave. In spite of the effort of the South to secure more land exclusively for slavery, much more than half the national domain was free soil and much more than half the population lived on free soil. Yet in 1850, the North was not distinctively anti-slavery, though an active minority there, known generally as

abolitionists, was agitating anti-slavery programmes of every sort.

The South was distinctively and unitedly pro-slavery, never ceasing for a moment to make new demands for the security and extension of slavery and threatening to leave the Union unless compliance was made with her demands. The Compromise of 1850 never satisfied the South. Had a pro-slavery population immediately poured into the new Territories, Utah and New Mexico, and speedily organized them as slave States the South would have witnessed the transformation with contentment, but no such population appeared and the motherland, the slave States, could not supply it. Yet within four years immigration poured into Kansas and Nebraska, demanded their organization as Territories and looked forward confidently to their speedy admission as States. But what kind of States, slave, or free? By the terms of the Missouri Compromise of 1820 Kansas and Nebraska were free soil. Many settlers who migrated to Kansas were from slave States; many were from free States. The numerical preponderance was in dispute. Petitions were sent to Congress for the organization of a Territorial government, and on January 4, 1854, Stephen A. Douglas, Chairman of the Committee on Territories, reported a Kansas-Nebraska Bill which was based on the theory that the Compromise of 1850 repealed that of 1820 and that therefore the line $36^{\circ} 30'$ was abolished and that it was doubtful whether slavery north of that line was lawfully prohibited. As an issue affecting the land, the Kansas-Nebraska Bill aimed to secure more land for slavery; as an issue affecting the people, the bill purported to leave the inclusion or the exclusion of slavery in the new Territory to the decision of the people who should organize it. This took the question out of the hands of Congress and left it with the inhabitants of a Territory. Douglas succeeded in passing his provision that the Missouri restriction, the line of $36^{\circ} 30'$, was inconsistent with the Compromise of 1850, and therefore void. Finally, on the

thirtieth of May, the act to organize the Territories of Nebraska and Kansas was passed. The Territories when admitted as States should be received into the Union with or without slavery as their people might prescribe at the time of their admission. The territory west of Kansas and Nebraska when organized as States should also be admitted into the Union with or without slavery as the people in them might determine.

The act creating the new Territories of Kansas and Nebraska therefore repealed those portions of the Compromise of 1820 and that of 1850 which set a geographical limit on slavery. By the new act all the Territories that might be organized might become either free States or slave States as their people might decide at the time of their admission. The Kansas-Nebraska act of 1854 gave a vast area of land to slavery on a contingency—namely, that there would be a sufficient pro-slavery population to control it. Slavocracy now needed only men. It had secured, prospectively, an ample portion of the national domain.

The future of slavery depended therefore on the occupation of Kansas by pro-slavery people. Immigration from the free States was already strong when the Douglas bill passed. A conflict began at once in Kansas between slave-holders from the South and free-soilers from the North. For the first time advocates of slavery and advocates of free soil met face to face in armed contest. A free constitution was formed by a convention whose members were free-soilers at Topeka, in October, 1855, was submitted to the voters, and, as its friends claimed, was duly ratified. It was rejected by Congress because of its "revolutionary character." A second constitution was framed in convention at Lecompton, during September and October, 1857, by delegates of the pro-slavery party in the Territory and was submitted to the people for ratification; its advocates claimed that it had been ratified; its opponents pronounced its popular ratification fraudulent. It was sent to Congress, where it found favor, as it also found favor with President Buchanan, but

Congress decided that it should be submitted to the voters of Kansas again; it was rejected by a vote of 11,300 to 1,788. Another convention assembled at Leavenworth in March, 1858, and soon reported a constitution similar to that made at Topeka; its friends claimed that it was ratified by the vote of the people, on the first Tuesday of May, following. Finally, at Wyandotte, in July, 1859, another convention assembled and made a free constitution. Slavery was forbidden; it was ratified by a popular vote of nearly two to one and was sent to Congress. This constitution was before Congress during the following year and was not acted upon till early in 1861, by which time the South was organizing the Confederate States of America.

The rise and fall of free and of slave constitutions for Kansas, from 1855 to 1859, indicated only too plainly the great issue involved: the extension or the limitation of slavery. The South had won an ample slave area, on a contingency, by the enactment of the Kansas-Nebraska Bill in 1854, but the struggle during the five years following disclosed that slavocracy lacked men, not land. The North had furnished people to organize the prospective State of Kansas. The vote on the issue of slavery in Kansas revealed the strength of anti-slavery sentiment in the United States.

The contingency on which the South had relied in the enactment of the Kansas-Nebraska Bill, by which slavery should exist in new States according to the decision of the people in these States at the time of their admission into the Union was not likely to happen as the South hoped and contemplated. The actual vote in Kansas when a fair and lawful vote was secured demonstrated this. Therefore the contingency offered no sure source of strength to slavocracy. In spite of every effort thus far to place slavery beyond danger, it was in greater danger than ever before. Something must be done to place it beyond thought of danger; the guarantees of the institution must not be suffered to rest upon any contingency of land area or number of people.

It must be placed beyond peril of political agitation; it must be given the security of the whole power of the United States.

It was amidst the excitement over Kansas and just two days after the inauguration of President Buchanan that the Supreme Court of the United States, in the case of Dred Scott, a slave who had instituted a suit in the Missouri courts for his freedom, handed down a decision which approached nearer to the consummation of the will of slavocracy than any act or decision before it had done. By that decision slaves were property, not persons and, in contemplation of law, not citizens.

The Government of the United States was pledged to make this form of property secure and therefore all laws prohibiting slavery, whether made by Congress or by State legislatures, were unconstitutional; the Ordinance of 1787 which forbade slavery in the territory north of the Ohio was unconstitutional; all enabling acts for States, beginning with the first of the new States, Ohio, admitted in 1802 and concluding with the last of the new States, California, admitted in 1850—enabling acts by which eight free Commonwealths had been created—were unconstitutional; all Territorial acts limiting slavery, all provisions such as those of the Compromise of 1820, and again, of that of 1850, and the provision in the Kansas-Nebraska Bill which made it possible for the people of a new State to prohibit slavery, were unconstitutional. No limitation could be placed upon it; slavery was the law, free soil the exception. The negro was not a man capable of possessing the rights and privileges of citizenship.

The Chief Justice, Roger B. Taney, wrote the decision of the Court, and each Associate Justice wrote an opinion; there were nine members of the Court and nine opinions. Six of the Justices supported the Chief Justice, but not altogether for the same reasons; two Justices, Curtis and McLean, dissented wholly from the opinion rendered by the Court.

How did the decision in the Dred Scott case affect the land and the people of the United States?

It opened every inch of land in the country to slavery and it declared that neither the people nor any part of them could forbid slavery. It made the entire national domain, original and acquired, slave soil and it took away from the people, or any of them, any right which they had believed to be in themselves to limit or to prohibit slavery. It made, or attempted to make, the United States a slaveholding republic forever.

The power of slavocracy could, seemingly, go no further. By the Kansas-Nebraska Bill slavocracy had acquired an ample slave area on a contingency and now the Supreme Court had swept away the peril of the contingency. What though the North contained a population larger by millions than that of the South? Mere population should henceforth be powerless to limit slavery, or even to interfere with it. By the decision all the land in the United States became slave soil and none of the people of the United States could prohibit slavery.

Passing for the present the question of the expediency of this decision, or of its rightful character when that character is tested by the principles of government in America, and admitting—as every man must admit who familiarizes himself with the general trend of earlier decisions, both in State and Federal Courts; with the laws both of the States and of the United States, and with the constitutions of twenty-seven of the thirty-one States in the Union at the time the decision was handed down—that laws, decisions and constitutions were in the aggregate hostile to the thought of the negro as capable of becoming a citizen, the conclusion is justifiable that whether the Supreme Court was wise or unwise in its decision in the Dred Scott case, that decision conformed to the great body of organic law and of judicial decisions of record in 1857, touching the negro race in America. The Court might have simply dismissed the case, remanding it to the Missouri Courts for decision, and the

substance of the Court's decision, so far as Dred Scott was concerned, was to declare that it had no jurisdiction in the case. Chief Justice Taney's elaborate opinion was almost wholly a dictum, as was that, largely, of his colleagues. It was not so much the strictly judicial decision as affecting Dred Scott that interested either South or North, but the enunciation of a political doctrine by which the whole power of the United States was marshalled and henceforth to be marshalled in defense of slavery.

The confusion of politics and law by the Court, over an issue of such portentous magnitude as slavery gave a character to the decision such as no other handed down by the Court before or since has borne. By this decision the South believed that it had attained an invulnerable position: slavery was beyond any constitutional sanction; it could not be limited or hindered; it was given a national character. The entire national domain was now potentially slave soil. The people hostile to slavery were eliminated from lawful hostility toward it. And who were the people of the United States at this time? The census of 1860 discloses their number: nineteen millions (19,128,418) living in free States; twelve millions (12,315,372) living in slave States; an aggregate of over thirty-one millions, of whom nearly four millions (3,950,531) were slaves, and almost half a million (476,536) were free persons of color.

Had the nineteen millions who inhabited the free States been as united in opinion against slavery as the twelve millions who inhabited the slave States were united for it, it may safely be asserted that when the Supreme Court dismissed the Dred Scott case for lack of jurisdiction, the Chief Justice, delivering the opinion of the Court would not have added his elaborate and famous dictum on the status of the negro and of slavery in the United States. It has puzzled many readers of American history to understand how such a decision could ever have been formulated by the Court. If four millions more than half the population of the United States, at the time of the decision, lived

in free States and the theory of rule by the majority—ever a dominant theory in America—applied at the time, how could the Court reasonably expect that public opinion would sustain its decision?

Another aspect of affairs prior to the Civil War is also somewhat difficult to understand. If hostility to slavery was sufficient to provoke civil war in Kansas and opposition to slavery in Kansas was born in the free States to the east, why was it that hostility to slavery in these free States of the east was less pronounced and active than in Kansas?

And yet another inquiry: Why was the South so devoted to slavery and so tenacious in her demands for its safety and protection? The answer to this question involves an examination of the causes which led the South to adhere to her opinions of slavery and to demand national and State protection of the institution. The examination leads us to study the climate of the United States.

The two English migrations to America in the seventeenth century resulted almost at the same time in the founding of a group of colonies north and another south of a line which would divide the country into a northern and a southern zone. The aristocratic character of the leading families that settled at the South displayed itself from the beginning. African slavery, introduced into Virginia in 1619, was a long time in establishing itself over the whole South, but a short time in finding favor with the white race. A subtropical climate makes it possible to raise the cotton plant as far north as the latitude of Baltimore, but the isothermal of sixty degrees which crosses the mouth of Chesapeake Bay follows a sinuous line westward, dropping in western Virginia below the foothills of the Tennessee Mountains, bounding the Carolinas and Georgia on their west and north and crossing the Mississippi near the southern boundary of Missouri. Extending westward yet further, the cotton belt line disappears in northern Texas. Excepting the Border States, West Virginia, Kentucky and Tennessee and Missouri, the former slaveholding States are

chiefly within the climatic cotton belt. Not that the raising of cotton was profitable over all this climatic belt; in the northern portion of the belt it was not so profitable as that of other crops. The entire slaveholding area may be said to have enjoyed a subtropical climate—and portions of slave States which had a colder climate did not abound in slaves. The elevated or mountainous portions of Kentucky and Tennessee, and of Virginia which ultimately became West Virginia did not have a populous slave element; wherever the climate of the South approximated that of the North slavery was quite unprofitable and in some regions quite unknown. The South enjoys a regular rainfall, abundant and timely. The Eastern States of the North are for a long period of the year closed in by frost and snow, overhung by a murky sky and swept over by piercing winds. The Eastern States of the South know only mild winters, gleam beneath a sunny sky and luxuriate in a tropical or subtropical vegetation. At the South cotton, sugar-cane, tobacco, maize and the cereal grains attain a wonderful state of perfection—although maize is less productive than above the latitude of forty-one degrees. The mean annual temperature of Maine is forty-two degrees; of Florida, seventy-five degrees; of New Jersey, fifty-one degrees; of Nebraska, forty-seven degrees. A climatic map of the United States therefore shows at a glance the natural division of the country east and west into a temperate, even cold North and a temperate, even tropical South. If we follow the world around we discover that these two zones of climate exist as it were by continuation across Europe and Asia. In the colder zone, in which the mean annual temperature is below fifty degrees, lie the free States; in the warmer zone whose mean annual temperature is above sixty degrees, lie the former slave States. Kansas and Nebraska lie at the meeting line of the two zones, and have a climate which is neither distinctively northern nor distinctively southern.

Throughout the history of the world the African negro has never selected the cold zone for residence and when he

has been forced to reside in it he has either succumbed to its climate, or, by artificial means, by dress or selection of occupation, created an artificial climate, just as men of other races have done when taking residence in a land whose climate was injurious to them. But the negro thrives in the climate of the South. The whites of the South discovered, or believed that they discovered, at an early day, that the negro was the only laborer capable of enduring the climate of the South. He was not looked upon by his master as a highly profitable laborer: his master believed that he was naturally a lazy, thriftless creature, quite incapable of laboring profitably for any one, even himself, unless under the direction of another. Contrasted with his condition in his native Africa, his condition at the South, so it was believed, was incomparably superior. No negro in Africa could have the comforts, the care that the slave received at the South.

As to the negro, Southern men thought alike. But even this homogeneity of thought was one of the effects of climate, as the opposite opinion respecting the negro was the effect of climate at the North. The very mildness of the southern climate intensified the opinion of the South respecting the negro. By the northern standard, the white men of the South were indolent, for the northern man lived an active industrial life. By the southern standard the white man of the North was over-active, ultra-commercial, unnecessarily given to money-making and hopelessly compelled to industry. The southern gentleman was a man of leisure, highly cultured, surrounded with luxuries and comforts and free to devote himself to politics or to the general direction of his plantation. But the northern man was compelled to be industrious, whence his regular habits, his rigorous opinions, his moral ideas. The southern man was served by his slaves, he felt no pressure or compulsion for subsistence; his habits were less regular. The northern man was compelled to cease, in a measure, from labor, during the weary winter months, during which he easily gave himself to reflection and to the elaboration of his plans; the southern

man knew no similar change of seasons: where the northern man was cautious, the southern was impulsive.

The South did not know diversity of labor and industry. Its vast staple crops were in succession like the seasons: the South was a mighty agricultural community. The northern man was diversely industrious and the North was familiar, by necessity, with labor of every sort and industries of every kind. The North was a land of factories; the South a region of plantations. And primarily, one of the causes of this difference between them was climate.

African slavery had long prevailed in Spanish America at the time it was introduced into Virginia. Spain exploited America for gold, and having worked the Indian population to death in the mines, introduced African slaves in its stead. France exploited America for the fur trade and to extend Christianity among the native tribes, planning a merely military occupation of the country, but, withal, attempting its colonization, here and there. If England can be said to have had a distinct purpose in exploiting America it was for commercial profit. At the South tobacco was a profitable production and England demanded the cultivation of the staple to as great an extent as possible. At the critical moment African slavery was introduced into Virginia. Tobacco became the gold of the South; England speedily insisted upon a monopoly of the trade—and within a few years the whole world was demanding tobacco. As the southern colonies were successively founded, Virginia, South Carolina, Maryland, Georgia, and the rest, slavery was introduced, and introduced just as at the present time a new machine, or a more profitable method is introduced on a farm or in a factory. The slave, though a human being, was a domestic animal. The population at the founding of the southern colonies was essentially English and from the first aristocracy characterized southern civil institutions. Climate made slave labor profitable, at least for a while.

The slave trade was a constant reminder that the negro in the English colonies at the South was a superior man to

the negro in Africa. Even more than two centuries of slavery in America only added proof to this common opinion at the South. The difference between the native African and the American slave proved even to the slave-holder at the South that the negro was capable of a degree of civilization. And the conclusion easily followed that in slavery the negro attained as high a civilization as he was capable of reaching.

These ideas early taking root along the Atlantic seaboard spread with the spread of population westward. In the parent States of the South the conviction that the negro was necessary to the existence of the white race and at the same time that the negro had attained his intended place, in slavery, kept pace, and possessed the minds of the founders of Kentucky and Tennessee, of Alabama and Mississippi, and later of Louisiana, Missouri and Arkansas. The rapid diffusion of the southern people westward is largely due to two causes: the topography of the country and the existence of slavery. No insuperable barriers lay between the old States of the South and the vast area immediately to the westward; and slavery ever demanding new and fresh soil, compelled the men of the South to take up lands at every accessible point. The second tier of southern States, the "new South" of the early years of the Republic, comprised only a greater Virginia, a greater Carolina, a greater Georgia; and the third tier of slave States, Louisiana, Arkansas and Missouri, and later Texas, was largely peopled from the second tier. The same conviction as to slavery prevailed in Texas as in Virginia. And if the southern planter found himself thinking on the disappearance of slavery, he also found himself confronted by an even more serious problem—What should be done with the negro?

It was an easy matter to adjust moral sentiments to slavery standards. Slavery existed among the Hebrews and at the time Christ was on earth; the Bible tolerates slavery and the Founder of Christianity did not pronounce against it. But behind even evidence of such a character, the southern

mind could see the necessity for slavery. The question—What will become of the South without slavery? seemed unanswerable.

There came a time too when slavery assumed the proportions, the solidity, the naturalness, the essentiality of an institution. No man could remember the South without slavery; few men could conceive of the South without slavery. With all its perils, its cares, its unprofitableness,—for it was not equally profitable throughout the South—its political strength, its sources of weakness to the South, after weighing it in every aspect under which it appeared to the slaveholder, slavery was an essential element to a form of industrial life such as prevailed at the South: it meant food and clothing and comfort and ease and pleasure, yes, life itself to the Southerner. To propose to strip the North of its domestic animals, freeing the oxen from the plow and the horses from the wagon, would have been resented at the North even with less resentment than to propose to interfere with slavery at the South; and to deprive the northern man of the instruments by which he might make a living and thus sink him into misery and death would be a no more startling proposition than to deprive the South of its slaves or to attempt to limit the extension of slavery.

Behind the Southerner's defense of slavery was his understanding of the struggle for existence. Climate contributed to intensify his conviction that the perpetuity of slavery meant, essentially, the continuity of life itself. It follows from these convictions that the South left no measure untried to keep the slave a slave. Just as the farmer at the North cared for his team of horses, the planter at the South cared for his negroes. Each cared for his property so as to get the greatest amount of work out of it without serious injury to the property itself.

This absorption of the thought of a people in guarding and protecting slavery made the South homogeneous and at the same time isolated it; nor did it complain of the isolation. Down to the time of the enactment of the

Kansas-Nebraska Bill, nearly four and one-half millions of immigrants arrived in the United States from Europe. Of these a million and a third were British; a million and a fifth were Germans; nearly seven hundred and fifty thousand were Irish; there were thirty-four thousand Scotch and a hundred and eighty thousand French, and two hundred thousand came from England alone. Whither did they go? The new States on free soil received the greater part of them, and the remainder paused to find homes here and there in the older free States. Scarcely an immigrant went to the South. The exception was New Orleans; thither there was at times a large migration of French but this migration had no such effect on the far South as did the coming of these millions of Europeans into the North. Foreign immigration explains, largely, the early and rapid gain of the North over the South in population. The foreigner came to America to gain a living and to make a home: neither was easily done at the South. There labor was slave labor, and slavery compelled the South to discourage the coming of free labor. Moreover, no free man would put himself on the plane of the slave. Thus all through the half century before the outbreak of the Civil War the South was depriving herself of fresh industrial stock and was accustoming herself to despise free labor. To work was the normal condition of society at the North; to work was the fate of slaves at the South. And the immigrants from Europe who helped to lay the foundations of Indiana and Illinois, of Michigan and Wisconsin, of Iowa and Minnesota, hated slavery and taught their children to hate it. At the South, if an Englishman or a Scotchman became a resident, he willingly fell in with the thought and customs of the South; in his devotion and defense of slavery he not infrequently out-southerned the Southerner, just as at the North the Irishman and the Englishman and the Scotchman, who took up lands in the new Territory or the new State out-northerned the Northerner in his hatred of slavery. And the South clearly recognizing the preponderance which

foreign immigration was giving to the North reciprocated the hatred of the immigrant at the North. Indeed evidence is not wanting which shows that Southern statesmen at times attributed hostility to slavery at the North chiefly to its foreign-born population. Long before the outbreak of the Civil War the South was an American community of almost pure English stock, its great planters living in almost barbaric splendor and its entire industrial system resting on the shoulders of the slave. More and more as the years passed the tendency of life at the North was toward individualism, a varied industry, a ceaseless, restless activity; and more and more the tendency of life at the South was toward independence, homogeneity, uniformity, isolation. Gradually, yet rapidly, the inhabitants of the slave States knew less and less about the North; Southerners rarely travelled in the North and the vast body of poor whites at the South heard of the North only by rumors and traditions. Probably at the time of the Dred Scott decision there were not a hundred thousand people of the South who knew the North by even travelling through portions of it. And the North was almost equally ignorant of the South. Intercourse between the sections had quite ceased at the time of Lincoln's election to the presidency in 1860. Yet despite this isolation few attached significance to it; the very nearness of the impending conflict seemed to darken men's vision.

That the people of the South were conscientious in their opinion of slavery cannot be doubted, and it was their conscientiousness which made slavery the chief peril to the American people. The South had reached that state of mind in which they could not see the world without slavery, nor conceive of their own existence without slaves. By the decision in the case of Dred Scott it would seem that the South had won at every point; it had demanded all for slavery and had at last received it from the supreme judicial tribunal of the land. To interfere with slavery was now, therefore, to violate the supreme law; the Constitution was

expounded as a pro-slavery instrument and those who advocated the limitation of slavery were guilty of unconstitutional acts; the South in upholding slavery was, so it now believed, adhering to the original conception of constitutional government in America; the South embodied the true national idea, it was the North that was guilty of violating the principles of the Union. Thus the decision put the burden of good behavior upon the North, for the South had always claimed what the Court now declared was the supreme law of the land.

But all the North was not hostile to slavery; indeed down to the day of Abraham Lincoln's election as president no political party hostile to slavery can be said to have embodied the opinion of the North.

The North did not love the negro; even the people of the old free States discriminated against him. New York allowed him to vote, but under a contingency which reinforced by public opinion kept all but a few negroes from the polls. In 1860, when the Union consisted of thirty-three States of which eighteen were free States, twenty-seven State constitutions eliminated the negro from citizenship. The free States tolerated the free negro but refused to treat him as a citizen; even in New England no one proposed electing a negro to the humblest office. The new free States of the West, beginning with Ohio and ending with California, Minnesota and Oregon, refused to make the negro a citizen when they prohibited slavery in their constitutions. In a direct vote, could one have been cast throughout the North on the day Lincoln was elected president, a proposition to abolish slavery in the United States would have been defeated. The majority of the people at the North, in 1860, looked upon slavery as an established institution, objectionable, it is true, but yet established. They considered it distinctively a Southern institution and as such wholly an affair of the South except as an effort might be made to extend slavery into new States and Territories: and even on this point public opinion at the North was divided. Lincoln

stood as the candidate of a political party one of whose propositions was that slavery ought not to be extended into new Territories and by this the North understood to be meant Territories directly west of the free States. While there was hostility to slavery in the minds of thousands of individuals at the North in 1860, the attitude of the whole people of the North at that time cannot be said to have been a demand that slavery should be abolished at the South: that hostility was rather a demand for the limitation of slavery by keeping it out of new States and Territories at the North.

The reason for this attitude of the North must be sought in the opinion which the North as a whole held of the negro. It inclined to take the estimate of the South concerning him. Thousands of men who in November, 1860, thought that comfortable slavery was good enough for the negro were fighting on southern battle-fields, three years later, to abolish slavery, and, as matters turned out, to enfranchise the former slave.

During the seventy years from the founding of the Union to the outbreak of the Civil War the area of the United States increased from 830,000 square miles to 3,044,479 square miles; and the population from less than four millions (3,929,214) to over thirty-one millions (31,433,321). In 1789 both the area and the population of the United States were about equally divided between free soil and slave soil, between a slaveholding and a non-slaveholding people although there were slaveholders in every State save one. In 1860, by legislation of Congress and by the Dred Scott decision the entire area of the country was lawfully slave soil but nearly seven millions more people resided in the free States than in the slave States. The whole land had been declared lawful slave soil but only two-fifths of the entire population lived in slave States, of whom nearly one-third were slaves. Three-fifths of the entire population were in the free States.

If we are justified in believing that climate favored slavery at the South and contributed to produce that opinion

there which pronounced slavery the natural condition of the negro and demanded the nationalization of slavery, we must also attribute to the law of climate the absence of the negro from the greater part of the North and also that growing public opinion and moral sentiment against the rightfulness of slavery. During the seventy years of the United States under the Constitution Congress had at times restricted slavery, as by the Ordinance of 1787 and by the Missouri Compromise of 1820 and, subject to a contingency, even by the Kansas-Nebraska Bill of 1854. But in 1857, all these attempts at limitation of the institution were pronounced null and void and the supreme law of the land was declared to be the chief defense and support of slavery.

At the South slavery compelled a uniform system of industry and developed agriculture, though in a wasteful manner, the exhaustion of the soil by the system compelling the South ever to demand a new area for slavery. Labor at the North was diversified; her people were heterogeneous like her industries. The South was willingly isolated, was confident that her institutions were the ideal institutions for a Republic and seemed able to conceive no substitute for her slave system. The North was divided, the South was united as to slavery. Thus, in 1860, the soil of all America from Canada to Mexico, from the Atlantic to the Pacific was slave soil, yet seven millions fewer people lived on actual slave soil than on actual free soil. The actual white population of the South was considerably less than half of the population of the North.

It might seem, then, that the ultimate fate of slavery might not rest in the hands of the white people of the South, but might be bound up with other issues, political, industrial and moral. Life at the North tended to individualism, to action, to unhampered thought, to a varied industry; life at the South tended to independence, to indolence, to restricted thought, to agriculture. The North and the South had been growing apart. Foreign immigration by which nearly twice as many people had come for homes to

the North as lived North and South in 1789 gave impetus and strength to free institutions. The South had few cities; the North had many. "We have an ameliorated country population," so wrote a distinguished Southerner, "civilized in the solitude, refined and conservative in social habits. We have little associated but more individual wealth. We have no mechanical arts. Our labor is better employed than in manufacturing implements for ourselves. We have no commerce but we supply its pabulum. We have slaves under a benign domestic rule, and masters having leisure to cultivate morals, manners, philosophy, politics."

"Yes," replied the North, "but you have slavery."

CHAPTER II

THE GROWTH OF THE SLAVE POWER

AT the time of the Declaration of Independence the extension or the limitation of slavery was not an issue in the United States: slavery was dying out at the North and was languishing at the South. All through colonial times the English government encouraged slavery and three hundred thousand slaves—it has been estimated—were imported from Africa to the colonies from the time the first cargo arrived in 1619 to 1776. The Continental Congress pronounced against the slave trade in 1774; in 1787 the Convention which framed the Constitution was divided in opinion on the subject, a compromise clause being at last agreed on that Congress should not forbid the trade until 1808, but the period of limitation, though seemingly tardy, was at least fixed, and the trade was declared piracy by act of Congress in 1820. At the time of the suppression there were a million and a half slaves in the country. The number and relative increase of the slave population down to 1860 are shown as follows:

1790	697,879	1830	2,009,043
1800	893,041	1840	2,487,455
1810	1,191,364	1850	3,204,313
1820	1,538,038	1860	3,952,801

The census of 1850 disclosed that one-ninth of the colored population was mulattoes; that of 1860, one-eighth. But the rate of increase of the negro race in America fell behind

that of the white, for which two causes were assigned: climate and the conditions of slave life.

It was early discovered that cotton could be raised at the South, the climatic cotton belt extending as far north as the latitude of Baltimore, but profitable production was limited to the region of the Gulf and the shore line of the Atlantic not far above the latitude of Charleston, South Carolina. The difficulty of separating the fibre from the seeds, a tedious hand process, kept the production of cotton down till 1793, when Eli Whitney, a resident of Georgia, but a native of Massachusetts, invented the cotton-gin, a simple but effective device to which is due the sudden and extraordinary impetus given to the production of cotton, and the growth of slavery and the slave power. From the production of a few bags of cotton, prior to the invention, used wholly for domestic supply, the production rose in 1794 so that nearly a million and a half pounds were exported; the domestic use and the exportation of cotton increased until in 1860 the exportation was two thousand million pounds, the production was more than four and one-half million bales (4,675,770) and the value of the crop was more than two hundred and forty million dollars. The value of the raw cotton consumed in the United States in 1860 was \$56,000,000, and of the cotton goods produced in that year alone, \$115,000,000, an increase, in the latter, of \$50,000,000 since 1850.

But the supply was not equal to the demand; the world seemed determined to dress itself in cotton fabrics and the Gulf States monopolized the production of the staple. The soil of the Cotton States showed no sign of exhaustion under reasonable management; the serious problem was to obtain sufficient labor. In 1821, the crop was 430,000 bales; in 1827, 957,000, or double the amount; in 1840, nearly 2,200,000 bales, or double that of 1827; in 1860, 4,675,000 bales, or more than double that of 1840. But labor in the Cotton States increased less rapidly. In ten years the demand for cotton increased one hundred per cent., but during that

time the indigenous increase of slaves was only ten per cent. The effect on the whole institution of slavery is obvious: the number of slaves in the Cotton States increased 773 per cent. from 1800 to 1850; in the remaining South the increase was about 66 per cent. Where slave labor was most profitable it was most sought; the profit on the labor of a negro in the cotton belt, might, by close management, amount to \$350 a year. The profit depended upon the management: the cost of the slave, his working capacity, the economy of administration, and the like. But prospective and probable profit lay at the bottom of the system. The result was a demand for slave labor in the lower South which did not hesitate at times to hint loudly at the reopening of the African slave trade. It was the law of the land and not the will of slavocracy which kept the trade closed. Because of the law prohibiting the African slave trade, the cotton planters were compelled to turn to the upper South for additional slave labor. Their steady and imperative demand for slaves caused a steady flow of fresh labor from the upper into the lower South: that is from a poorer to a better market; from a relatively unprofitable to a profitable labor region. The effect of all this redistribution of slave population disclosed itself not alone in the actual number of slaves in the several States of the South, but also in the increase of slave population: the rate in Maryland, Virginia and North Carolina being from two to six per cent. (1840-1850), but in the Gulf States, from thirty-five to fifty-eight per cent.

There were other staples at the South: rice, tobacco, and sugar being the chief. The production of sugar, valued at nearly \$21,000,000 in 1860, involved the same elements as the production of cotton, as, also, though in less degree, did the production of rice, the value of which in that year was \$7,242,000. They were products of the lower, the sub-tropical South and the demand for labor to grow them was a steady and profitable drain on slavery in the border States. In these, tobacco, corn, and general farm products, though

aggregating many millions of dollars in annual value, fell far below the value of the great staple, cotton. The demand for slaves at the lower South made slave breeding profitable in the border States, and creating an ever-increasing market for slaves, operated as the primary force of slavocracy in its constant demand for more slave territory: it was heard in 1820; again in 1845; again in 1850 and in 1854—and at last seemed to have received its sufficient answer in the Dred Scott decision of 1857.

The supremacy of cotton as a world power seemed complete and indisputable to slavocracy and its friends. That the Cotton States were the richest in the world and that they had the world at their feet were common assertions by slave-holders during the years when Kansas-Nebraska Bills were opening up new regions for slavery, and Dred Scott decisions were pronouncing unconstitutional all legislation to limit slavery.

And cotton could be grown, though with decreasing profit, as fields were planted nearer the latitude of Baltimore, in all the Southern States which touched tide water. The more slaves, the more cotton; the more cotton, the more wealth and power: this was the belief of slavocracy. The invention of a single machine, and its later improvement, had transformed the South into a cotton kingdom. The relative cheapness and efficacy of a slave and a machine might seem clearly demonstrated by Whitney's invention. The power of King Cotton depended upon two forces, the slave and the operation of the cotton-gin, but the South steadily discouraged mechanical invention and the use of machinery. The culture of cotton, tobacco, rice, sugar-cane, and other crops might have been made many fold more effective and productive had the master used machinery; but he rejected the idea and clung with the tenacity of barbarism to the hand labor of slaves. Ancient Egypt presented an equal indifference to labor-saving machinery. The effect throughout the South was the decay of the power of invention; the entire South was deficient in skilled labor of every

kind, and being wholly an agricultural region—as the South was until after the Civil War—she was satisfied to do her work with rude and cumbrous implements and in relative wastefulness. But the South knew her own; she understood perfectly that slave labor and machine labor cannot exist side by side: the one must displace the other; and the South, for many reasons satisfactory to herself, preferred the slave.

Among these reasons, undoubtedly the political was among the first and most imperative. By the terms of the Constitution of the United States, Representatives and direct taxes were apportioned among the States according to their respective population, which was determined by adding to the whole number of free persons three-fifths of all slaves. Representation thus provided for was in the lower House of Congress; representation in the upper House, the Senate, being equal for the several States. The effect of this "three-fifths" clause was highly favorable to the South; on whatever basis of apportionment of Representatives among the States, the Congressional District in a slave State was bound to contain a smaller number of individual voters than the Congressional District at the North. The slave vote, as it was called, varied in different districts, and in different States; in Alabama, in 1860, and also in Mississippi, it was equal to a white population of 260,000; in Georgia, of 297,000; in Virginia, of 295,000. In the aggregate the "slave vote" of the South in 1860 equalled the entire population of the four free States, Iowa, Michigan, California and Connecticut; or of the six, Wisconsin, Minnesota, New Hampshire, New Jersey, Rhode Island and Oregon; or as many as that of Massachusetts and Indiana. Yet this enormous "slave vote" which thus offset that of entire Commonwealths at the North constitutionally represented millions who had no right, power or possibility of representing themselves. In spite of this additional "slave vote," the slave States steadily fell behind the free States in the number of their Representatives in Congress, as the following figures demonstrate:

	Free States	Slave States
1790	35	30
1792	57	48
1796	57	49
1800	57	49
1804	77	65
1808	77	65
1812	103	79
1816	104	79
1820	105	82
1824	123	90
1828	123	90
1832	141	99
1836	142	100
1840	142	100
1844	135	98
1848	139	91
1852	144	90
1856	144	90
1860	147	90

Until the admission of California representation in the Senate was equally divided between the South and the North; after that date it was:

1852	32	30
1856	32	30
1860	36	30

Although the number of Representatives in Congress from slave States decreased, relative to the number from the free States, from the first Congress, the discrepancy is insignificant until the United States had passed beyond its original boundaries, when the Louisiana Purchase had been made and migration across the Mississippi began. The year 1820 may be taken as the date when the South began to realize some of its perils—the year in which the Missouri Compromise, the second limitation of slave territory, was made.

From that date until the final overthrow of slavery, the South may be said to have done battle for it. After 1850, when the so-called "balance of power" in the Senate ceased, the battle waxed fiercer until the end.

The gain in Representatives at the North finds a partial explanation in foreign immigration—the new States vying with one another to attract immigrants and making the right to vote an easy acquisition.

In contrast to the South, the North welcomed labor and encouraged inventive genius. Every farm and shop and factory at the North is a record of labor-saving machinery, and so eager were the people of the North to avail themselves of improvements in machinery, that innumerable devices and machines, implements and utensils were yearly cast aside to give place to more effective, and usually, to cheaper ones. What Northern man past middle life cannot recall a long line of cast-off tools and machines in his art or trade, and remember when such an implement as a reaper and binder, now a light, strong, cheap and effective machine, was heavy, cumbersome, expensive, complicated, inefficient and easily put out of working order? The encouragement of inventors at the North has been unparalleled. The year 1840 may be taken as the time when labor-saving machinery began to come into common use at the North—about the time when population was moving into the West, taking up new land, founding new cities and branching out into new industries. Had the North abstained from encouraging the use of machinery, the frontier must have lagged for weary years behind its actual movement westward. One immediate and far-reaching result of the attitude of the North to the invention and use of machinery was her gradual equipment as the manufacturing region of the Union: a result plain enough in its significance at the time of the Civil War. It was the labor-saving machinery of the North which equipped its armies, built its fleets, constructed its railroads, worked its farms and enabled the forces of the Nation to overwhelm the forces of the Confederacy.

The South, eliminating labor-saving machinery from its resources, chose to fall back upon slave labor, and under the stimulus of the world's demand for cotton and other Southern staples, the South demanded more slaves. But land was also necessary. There never has been a probability of the reopening of the African slave trade since its abolition: the conscience of the world settled all doubts on that subject, but slavery extension meant more slaves—whence the South ever demanded slavery extension. The demand had also its economic basis, for the deterioration, the exhaustion of the land was a concomitant of slave labor. As has been expressively said, "The South killed its soil by slavery." The only relief was the acquisition of fresh areas, and two vast areas were acquired: the Louisiana country (1803), the Floridas (1819), and in 1845-8, Texas and the California country—the Texas acquisition being a clear case of land-grabbing by a powerful nation for the benefit of slavery. General Grant, commenting in his *Memoirs* on the Mexican War and its causes, makes the statement, now no longer denied, that the war was merely a means to an end: the acquisition of more slave territory. It was destined, somewhat paradoxically, to hasten the birth of California, whose admission into the Union broke the "balance of power" and from the date of whose founding, the economics of American life fought triumphantly against slavery.

Unquestionably the South gained innumerable coigns of vantage through the genius and influence of the extraordinary men who represented her through the early years of the Republic. Washington, Jefferson, Madison and Monroe were from Virginia; Jackson was from Tennessee, and each served two terms as president; the second president, John Adams, and his son, John Quincy, who was considered by multitudes in the United States as merely filling an interregnum between Monroe and General Jackson, made no effort to shift the patronage of the government from Southern hands. The very great ability of men from the South in public office through all the years from the days of

Washington to the days of Jackson, gave precedence to Southern ideas and impressed them upon American institutions. No party at the North was distinctively a Northern party till the formation of the Liberty party in 1839, and the distinctive principle of that party, held by the Free Soilers (1844, 1848), and the Free Democracy (1852), was not powerfully supported at the North until the organization of the Republican party (1855-6), when the vote for Frémont and Dayton (1,341,264) indicated that the limitation of slavery had become an issue between North and South.

Throughout the half century during which the South controlled the Government (1789-1840), her people, however, subdivided as Democrats or Whigs, were practically a unit on the question of slavery; and the Democratic party at the North supported and co-operated with them. It was this Northern ally that gave the South the balance of power in American affairs through all these years. Had it been otherwise and had Democracy at the North been in any sense an anti-slavery party, slavery extension would have ceased at the Mississippi River: the equal vote in the Senate and the majority vote of the North in the House easily making that boundary possible. It was because more than half the North affiliated with the South that slavery made its progress across the continent as related in the preceding chapter. The membership from free States, as indicated in the table just given, does not signify that all Representatives from free States were anti-slavery: it may be doubted whether as late as 1860 all the Representatives from any Northern State would have voted, of their own motion, for the abolition of slavery at the South and it is equally beyond doubt that even as late as 1860 the majority of Representatives from Northern States would have voted, had the opportunity arisen, to let the South and slavery alone. Yet there were at the North many able Representatives who hated slavery and neglected no opportunity to record their influence and their votes against it. They were a strong but practically impotent minority; were considered agitators

and not statesmen, not by the South alone, but by the majority of people at the North.

It was the slave as property that constituted the basis of slavery. "The right of property," so the new constitution of Kentucky, of 1850, declared in its Bill of Rights, "is before and higher than any constitutional sanction; and the right of the owner of a slave to such slave, and its increase, is the same, and as inviolable as the right of the owner of any property whatever." This language tells the whole story, and not for Kentucky only but for the whole South in slavery days. This deliberate enactment of a Constitutional Convention composed of men of national reputation, defines the slave as a thing: "such slave and its increase," not his or her increase.

And the description was logical, historical, actual. The slave was a chattel, like any other piece of personal property, and only as such property was he valuable. The Northern man who values his personal property would be incensed, maddened, be driven to riot and rebellion if that personal property were deliberately placed in jeopardy by a hostile government or political party in power: he would fight to maintain his rights to such property. The Kentucky constitution sets forth the same kind of right or property and declares that it is above any constitutional sanction: that is, it cannot be meddled with by law. This was the conviction of the South respecting slavery: the institution was a property institution, the right to the slave was a property right and could not be lawfully interfered with: he who ventured, or even threatened to interfere with it was the violator of a sacred right.

Regarding slavery in its essential character, the ownership and use of property, the South was logical when she demanded the right to go anywhere within the domain of the United States with her property and have protection there for her property. Had every man, the moment he became a slave, become worthless as an implement of industry, slavery would have vanished from the South.

But slavery was highly profitable in some parts of the South; slightly profitable in others; self-sustaining practically in all parts. The slave in the cotton-field paid; the slave in the rice-field paid; the slave in the sugar-cane paid; the slave in the tobacco-field paid; and it was profitable to breed slaves for the market. There were many plantations and small farms worked by slave labor which were not profitable, just as at the North there were farms by means of which the owners managed to run themselves into debt; there were plantations at the South which merely held their own, maintaining for the owner a degree of comfort which satisfied him; and there were innumerable households in villages and towns in which the domestic service was performed by slaves, with no thought on the part of the owners either of loss or gain. The characteristic of the Southern people was not the love of money, nor self-sacrifice to obtain it: yet, touching slavery, all classes of whites at the South agreed. The imperious will of slavocracy brooked no difference of opinion on slavery; no man could live comfortably in any part of the South and be a known opponent of slavery. Opposition, even of a mild type, imperilled the institution, imperilled the safety of almost inestimable wealth in slave property: and when wealth in any form is put in peril, men are ready to shoulder a musket and fight for what they believe to be their own. Sifted down to its ultimate element, the slavery question was a property question, or expressed in another way, a labor and industrial question. Men must live, either by their own or another's labor: but "Skin upon skin, yea, all that a man hath will he give for his life." Therefore the South fought for slavery.

The supremacy of the South in the government did not cease with the retirement of Andrew Jackson from the presidency in 1837; it continued through the administration of Martin Van Buren, his political heir and successor; through the administrations of Tyler and Polk, of Franklin Pierce and of James Buchanan, meeting with no interruption, save the brief tenure of Harrison, and the equivocal

administration of Millard Fillmore. From the inauguration of Washington to the inauguration of Lincoln, a period of seventy-one years, fifteen men served in the office of president and of these eleven were of Southern birth and Van Buren was "a Northern man with Southern sentiments." Of all the presidents from Washington to Lincoln not one stood for an anti-slavery policy, or for a policy distinctively favoring the limitation of slavery. And their attitude reflected the prevailing opinion of the American people in their time. Slavery, however much its existence was regretted here and there by individuals,—and the list included slaveholders like Washington and Jefferson—was accepted by Americans as an established institution and under the guardianship and protection of the Constitution and the laws. Slavery profited by that spirit of conservatism which regulates the conduct of men of English stock and of most men who live under the sky of English traditions. The growth of the slave power must be attributed therefore not to the ambition, the cupidity, the greed, or the callous morals of the South but to the American people as a whole, who, North and South, tolerated it, encouraged it, thought for it, and profited by it.

It follows from this fact that slavery, indefensible and wasteful, immoral, undesirable as it is in itself, was not, could not be the sole cause of the Civil War unless at some critical moment it should become an issue between the two sections of the Union, all its defenders ranging against all its enemies; or, by allying itself with other issues over which hostile feelings existed, should precipitate civil war. So long as a large, almost dominating portion of the North allied itself with the South in support of slavery, or, in a negative way practically warded off hostile attempts against it, slavery was bound to continue till, by exhaustion of the soil on which it lived and of attainable areas of new territory, it should perish: or, responding to the appeals of its enemies, the slaveholders should abolish it by common consent. If, at a critical moment in the Nation's life, the conviction should dominate that the Nation could no longer

exist with slavery, then its doom would be sealed and the day of its disappearance would dawn. But so long as slavery transformed itself into millions of bales of cotton to the great profit of the cotton planter, and the world demanded yet more cotton; so long as slavery by its three-fifths "slave vote" was a political force; so long as its allies at the North helped to make its extension possible and guarded it with a jealousy hardly second to that of the slaveholders themselves; so long as it was identified with the conceptions of morality and civilization of the entire South containing more than eight millions of the white race, the masters of nearly four millions of the black race—so long would it write constitutions, enact laws and hand down judicial decisions in its own behalf. Though of itself it might not precipitate civil war in America, it might become so identified with the ambitions and passions of men, with their concepts of government and civil administration, that all other differences between political parties, moralists, economists and plain people might seem merged in slavery so that it should embody the fatal issue which should determine the destiny of the Republic.

It is easy to form opinions hostile to slavery now, many years after its abolition, and it is equally easy to be amazed that the institution ever found defenders; but to understand the causes of the Civil War, it is necessary to place the mind back in the atmosphere of slavery times; to attempt to look at slavery as men then looked at it, North and South; to follow the institution in all its entanglements with law and politics, with religion, with social economy, with American life at every point. The institution of slavery as a compelling power in American affairs, however immoral, however violative of a true economy, social, political or industrial, shaped the course of those affairs as imperiously as the feudal system under the old régime shaped the course of affairs in France: the one precipitated the French Revolution; the other, the Civil War in America. Shortly before the French Revolution, Arthur Young visited France and described what he saw in his *Travels in France*. The

condition of the French people as he describes it seems beyond the power of belief, yet we know that he wrote truly. Shortly before the outbreak of the Civil War, Frederick Law Olmsted travelled throughout the South and described what he saw in his *Texas Journey*, *The Seaboard Slave States*, *A Journey in the Back Country*, and *The Cotton Kingdom*. He, too, wrote of an old régime—the régime of slavery, and it seems to-day almost impossible for us to conceive that this régime ever existed in America. He who attempts to understand the French Revolution must first understand that of which Young writes and he who attempts to understand the Civil War must first understand that of which Olmsted writes. "Both wrote on the eve of a great convulsion," remarks the historian Rhodes; "one was the greatest historical event of the eighteenth century, and the other will probably be adjudged the greatest of the nineteenth century."

While by the Dred Scott decision no portion of the United States could lawfully be closed against slavery—the slaveholder by that decision having the right to take his property with him into any portion of the Union and there to demand its protection—yet at the very moment of this decision in 1857 slavery was confined to the South, that is, to the States between Mason and Dixon's line, the Ohio River, Iowa and Kansas, on the north, Mexico and the Gulf of Mexico, on the south; and between the Atlantic seaboard and the region acquired from Mexico by the treaty of 1848. The Indian tribes held slaves in Indian territory, and there were slaves in Arizona and New Mexico, organized in 1850, under the Compromise of that year, as the Territory of New Mexico. The portion of the United States actually occupied by slavery did not exceed thirty per cent of the national domain. The South, as an agricultural region, consisted of two parts—a highland portion comprising Virginia, North Carolina and the States directly westward; a lowland portion comprising the remainder. The products of the highland region, grain, hay, tobacco, were the same as the products of southern Pennsylvania, southern Ohio, Indiana

and Illinois, where white men did the labor, whence the conclusion that white men could do the like labor in these border and more northern slave States. The South of the lowlands was the region which produced rice, cotton and sugar, where white men cannot endure to labor as can negroes. In the upper South slave labor cost more than free labor in New Jersey, Pennsylvania or New York: the actual cost being determined by the amount of labor of an effective kind which the slave performed. Judged by this standard, one free laborer in New Jersey accomplished as much in one day as four slaves in Virginia. The ratio was true of Kentucky, Tennessee, Maryland and the hill country of North Carolina and even the mountainous parts of northern Georgia. In the rice swamps, the cotton fields, the cane-brakes, where only the negro can endure to work, climate wrote the argument for slavery, if there is an argument for slavery. The institution rested on the lower South; it was not profitable as labor in the upper South.

The slave was given enough to eat, corn-meal, bacon, molasses, coarse and cheap, and clothing of the cheapest and coarsest sort, the entire cost for food and clothing, on the great sugar plantations, not exceeding an average of thirty dollars a year for each slave. But the number of slaves whose food and clothing cost their masters not over eight dollars a year greatly exceeded that of those upon whom thirty dollars was expended. The test of an overseer's ability was to bring down the cost of food and clothing to the lowest point; the legislation in the lower South on this subject hints at the necessity of correcting, or of attempting to correct, common abuses: for sumptuary legislation, or indeed, legislation of any kind is never enacted until public opinion compels it. The negro quarters, however protective, were hovels, occasionally clean and comfortable, but the testimony of Frances Kemble, who visited several Georgia plantations, is that "the negro huts . . . were the most miserable human habitations I ever beheld" and "not fit to shelter cattle." But the huts were even less filthy than the slaves.

Olmsted records that a day's work on the cotton plantation during the picking season was fifteen hours, and at grinding time on the sugar plantation, eighteen. South Carolina legislatively fixed a day's work at fifteen hours. But the overseers, than whom the world has never seen a more despised, cruel and unprincipled set of men, knew no limit to the length of the working day, save their own will. The overseer who raised the heaviest cotton crop and saved it ranked highest of his kind: the slave was at his mercy; the owner seldom knew the cruelties of the overseer: the slave dare not report, the overseer had no thought of reporting them, and the lash made the cotton crop. And negro overseers were the most cruel of all: the negro driver who kept the slave gang busy in the field was too often the incarnation of brutality. Dead slaves were forgotten if the cotton crop was highly profitable: bales could be transformed into slaves to work a new crop.

The declaration of the constitution of Kentucky, in 1850, that the right of property is before and higher than any constitutional sanction; and the right of an owner of a slave as inviolable as the right of the owner of any property whatever, was a record of facts throughout the South. Olmsted saw slaves treated as property; the death of a slave was noted no more than the death of a mule; some planters did not hesitate to work their slaves to death, calculating that all there was in a slave could be gotten out of him in seven or eight years; a new supply was cheaper because more profitable than wornout slaves. The result followed that to kill a negro was not considered murder; it may be foolish for a farmer to kill his mule but it is not murder. All Southern legislation on capital offenses exempted from legal guilt the white man who killed a slave that offered resistance: the owner's authority over the slave was supreme and no slave could give evidence against a white man. The despotism possible was seldom exercised; owners and overseers had every incentive to keep the slave well and strong but "bad niggers" had short shrift and the worst offense

a slave could commit was to run away. There was no limit to the punishment that might be inflicted upon the refractory and the threat of the overseer was usually a sufficient incentive to the slave. This reduction of the slave to property was the very basis and life of slavery. An institution must be judged by its essentials, and the essential right of the owner to the slave was the right of property. The result was the steady, relentless, unavoidable pressure toward and into brutality. Olmsted observed the slave gangs at work on the cotton plantations and could understand why the slave owners looked upon the slaves as property: the slaves were brutes, the shreds and patches of humanity within them only making their brutality plainer.

To-day when some wretched negro commits the crime of crimes, North or South, and the community is in arms against him, who remembers that his grandfather was a brute on a cotton plantation and that the Constitution and laws of the United States and the final decisions of its highest courts, half a century ago, declared that the brute was a piece of property? It seems odd that property, or a descendant of property, if property can have posterity, can commit a crime. Yet Olmsted remarks that cotton growing and cruelty to slaves necessarily went together: there was no other way to make cotton a profitable crop. Three-fifths of all the slaves were employed on the cotton plantations.

If the system of slavery tended to make brutes of male slaves, what was its effect on the females? "Their lives," Frances Kemble records in her *Journal*, "are for the most part those of mere animals; their increase is literally mere animal breeding, to which every encouragement is given, for it adds to the master's live-stock and the value of his estate;" and in this degradation, she records further, the negro woman took pride: "the more frequently she adds to the number of her master's live-stock by bringing new slaves into the world, the more claims she will have upon his consideration and goodwill." The demand for slaves in the

lower South and the unprofitableness of slave labor in the border States tended to convert slavery throughout the upper South into a stock-breeding institution. There was a scale of values for children of different ages.

"The demand for cotton and negroes went hand in hand," writes the historian Rhodes; "a high price of the staple made a high value for the human cattle. A traveller going through the South would hear hardly more than two subjects discussed in public places, the price of cotton and the price of slaves. This kind of property was very high in the decade before the war, a good field hand being worth from one thousand to fifteen hundred dollars. Since the adoption of the Constitution the price of slaves had increased many fold, and after 1835 the advance was especially marked. The need of slaves in the cotton region kept slavery alive in the border States; for the Southwest was a ready purchaser of negroes, and Maryland, Virginia and Kentucky, which States could employ slave labor to little advantage, always had a surplus for sale. The salubrious climate of these States produced a hardy laborer who was in great request in the cotton and sugar districts. The negroes of Virginia and Kentucky considered it a cruel doom to be sold to go South, as it was well understood that harder work and poorer fare would be their lot. The annual waste of life on the sugar plantations of Louisiana was two and one-half per cent over and above the natural increase. On the cotton estates the increase, if any, was slight. On one of the best managed estates in Mississippi, Olmsted learned that the net increase amounted to four per cent. Nevertheless, between 1830 and 1850 the slave population of Maryland decreased and that of Virginia remained stationary; while Louisiana more than doubled, Alabama nearly trebled, and Mississippi almost quintupled their number of slaves. These facts disclose the internal slave trade, and the most wretched aspect of the institution—that of breeding slaves for market.

"Even so methodical and frugal a planter as Washington found that if negroes were kept on the same land, and they

and all their increase supported upon it, their owner would gradually become more and more embarrassed or impoverished. Yet the financial remedy was not adopted by Washington; he made a rule neither to buy nor sell slaves. Jefferson, although in easy circumstances when he retired from the presidency, could not make both ends meet on his Monticello estate, and died largely in debt. Madison sold some of his best land to feed the increasing number of his negroes, but he confessed to Harriet Martineau that the week before she visited him he had been obliged to sell a dozen of his slaves. We may be certain that it was with great reluctance that the gentlemen of Virginia came to the point of breeding negroes to make money; but it was the easiest way to maintain their ancient state, so they eventually overcame their scruples. Even before Madison died, the professor of history and metaphysics in the college at which Jefferson was educated wrote in a formal paper: 'The slaves in Virginia multiply more rapidly than in most of the Southern States; the Virginians can raise cheaper than they can buy; in fact, it is one of their great sources of profit;' and the writer seemed to exult over the fact that they were now 'exporting slaves' very rapidly. He wrote his defense of slavery in 1832, and then thought that Virginia was annually sending six thousand negroes to the Southern market. For the ten years preceding 1860 the average annual importation of slaves into seven Southern States from the slave-breeding States was not far from twenty-five thousand. In Virginia the number of women exceeded that of men, and they were regarded in much the same way as are brood-mares. A Virginia gentleman, in conversation with Olmsted, congratulated himself 'because his women were uncommonly good breeders; he did not suppose there was a lot of women anywhere that bred faster than his; he never heard of babies coming so fast as they did on his plantation;—and every one of them, in his estimation, was worth two hundred dollars, as negroes were selling now, the moment it drew breath.' Frederick Douglas

had a master, professedly a Christian, opening and closing the day with family prayer, who boasted that he bought a woman slave simply 'as a breeder.' When James Freeman Clarke visited Baltimore, a friend who had been to a party one night said there was pointed out to him a lady richly and fashionably dressed, and apparently one moving in the best society, who derived her income from the sale of the children of a half-dozen negro women she owned, although their husbands belonged to other masters. Sometimes a negro woman would be advertised for sale as being 'very prolific in her generating qualities.' The law in none of the States recognized slave marriages; in all of them the Roman principle, that the child followed the condition of the mother, was the recognized rule. Except in Louisiana, there was no law to prevent the violent separation of husbands from wives, or children from their parents. The church conformed its practice to the law. The question was put to the Savannah River Baptist Association, whether in the case that slaves were separated, they should be allowed to marry again. The answer was in the affirmative, because the separation was civilly equivalent to death, and the ministers believed 'that in the sight of God it would be so viewed.' It would not be right, therefore, to forbid second marriages. It was proper that the slaves should act in obedience to their masters and raise up for them progeny.

"The money return for this degradation of humankind came mainly from the growth of cotton. Of the 3,177,000 slaves in 1850, De Bow estimated that 1,800,000 of them were engaged in the cotton-culture. The value of this crop amounted to more than that of the combined production of sugar and rice. Cotton was then, as now, not only the most important article of commerce of the South, but was by far the greatest export of the whole country. It formed the basis of the material prosperity of the South, and there was economic foundation for the statement, so arrogantly made, that 'Cotton is king.'

"The profits of cotton-growing in a new country were very large. Harriet Martineau, who visited Alabama in 1835, was told that the profits were thirty-five per cent. One planter whom she knew had two years previously invested \$15,000 in land, which he could then sell for \$65,000; but he expected at this time to make fifty or sixty thousand dollars out of his growing crop. Land was so plenty that no one took any pains to prevent its exhaustion, and when a good yield of cotton could no longer be had, the land was abandoned, and more virgin soil was purchased. When Olmsted visited the South, Mississippi and Louisiana were the States which offered the largest returns. He visited one Mississippi plantation where five hundred negroes were worked, the profit in a single year being \$100,000. The rich country tributary to Natchez, as well as that along the Yazoo River, was all owned by large proprietors, none of whom were worth less than \$100,000, and the property of some was popularly estimated by millions. The ignorant, newly rich seemed to be as large an element of society in Mississippi as they were in New York. A Southern lawyer truly describes a phase of the cotton industry. Wealth was rapidly accumulated by planters who began with limited means, and whose success was due to their industry, economy, and self-denial. They devoted most of their profits to the increase of their capital, with the result that in a few years, as if by magic, large estates were accumulated. 'The fortunate proprietors then build fine houses, and surround themselves with comforts and luxuries to which they were strangers in their earlier years of care and toil.'

"An unwise and wasteful conduct of the business, however, accompanied this prosperity. The profits were laid out in more land and negroes; the prospect of enlarged gains and greater social consideration were alike an incentive to increase these holdings. Frequently the coming crop was mortgaged for money at high rates of interest, and the plantation supplies were furnished by factors at extravagant

prices. No system could be more ruinous; yet the demand for the world's staple continued to be so active, and the profit of raising cotton so enormous, that the cotton regions of the Southwest were, in the decade before the war, very prosperous. This prosperity was the boast of the Southerner, and the notion widely prevailed that in material well-being the South went ahead of the North. The acme of this idea was attained when Senator Hammond taunted the North with the results of the panic of 1857. 'When the abuse of credit,' said he, 'had destroyed credit and annihilated confidence; when thousands of the strongest commercial houses in the world were coming down, and hundreds of millions of supposed property evaporating in thin air; when you came to a dead-lock, and revolutions were threatened, what brought you up? Fortunately for you, it was the commencement of the cotton season, and we have poured upon you one million six hundred thousand bales of cotton just at the crisis to save you from destruction.' Every one knows that these were bragging words; nevertheless, the prosperity of the Cotton States was real. Nowhere else existed such a union of soil and climate adapted to the growth of the staple, which was always in brisk and increasing demand. The Southerners maintained that their wealth was due to their peculiar institution; that without slavery there could not be a liberal supply of cotton. This assertion has been effectually disproved by the results since emancipation, while even in the decade before the war it could with good and sufficient reason be questioned. It was apparent to the economist that the rich gifts of nature, the concentration of capital, and the combination of laborers accounted for the fruitful returns of cotton-planting. It was patent that with free white labor better results could be obtained. It is quite true, however, that the practical question did not lie between slave labor and free white labor, but between the negro bondman and the negro freeman. Northern and English observers, for the most part, staggered when confronted with the horns of the dilemma; yet they certainly amassed

sufficient facts to venture the assertion that if the slaves were freed, cotton-planting would be as remunerative to the masters as before, and that the physical condition of the laborer would be improved."

I have quoted Mr. Rhodes at length because he has covered the essential ground of slavery in few words; that which kept slavery alive was cotton culture; the world demanded more cotton every year; the South and a great part of the North believed that cotton could not be grown without slave labor: therefore, the more cotton the more slaves; cotton culture was profitable; it made a market for slaves; it affected slave owners throughout the South; it affected the industrial status of the United States. Had there been no cotton belt in the United States, slavery would have languished. Because the facts have long since disproved the truth of the assertion South and North, that slave labor was necessary to the culture of cotton; because as against two and a half million bales produced in 1850, and over four and a half million in 1860 there were nearly seven and a half million produced in 1890 by free labor is only a part of the evidence that a false principle of economy animated the minds of the American people when they asserted that cotton culture and slavery must rise and fall together. The great difficulty in attempting to write human history is to explain a state of mind that prevailed in the world at a particular time. Who can explain the state of mind of the French people for many years before the French Revolution? How shall we explain the state of mind of the American people before the abolition of slavery? Crimination and recrimination do not explain it. The collision of innumerable social forces does not seem to explain it. A cataclysm in geological times is explained by scientists as the result of a slight rise or a slight fall in the temperature of the earth's crust or of its atmosphere—a rise or fall perhaps induced by an almost incalculable retardation of the globe on its axis, or perhaps, an equally incalculable shifting of the axis itself. But a cataclysm in human thought is different; men

will quarrel over their explanations as they quarrelled originally over the issues which they seek now to explain.

Stripped of non-essentials, the institution of slavery may be said to have been maintained for the benefit of a few cotton planters in the lower South: the entire power of slavery, political and social, existed primarily for the benefit of a few men who happened to live in the cotton-garden of the earth. They monopolized this garden. Slavery was the most gigantic monopoly the world ever saw. In these days when the concentration of capital is of fabulous amounts and its combination dictates policies to States and Nations we can better understand that slavery was one form of gigantic monopoly and that it was so managed that the whole South and a large portion of the people of the North voluntarily supported the monopoly. Nor is it strange that a peculiar state of mind must have existed in America all through the years while this monopoly was tolerated, for every monopoly is a reflection, in its own way, of dominant public opinion.

Possessed now as we are of the essential character of slavery, all additional information is of incidents, aids, schemes, methods and devices to support that character. Slaves were bought and sold, were flogged, were denied instruction, were subjected to the will of overseers and masters for immoral purposes—all cruelly, continuously and effectively. Detail after detail might be related—but the relation would only intensify the truth. Yet not all the whites at the South were slaveholders. The condition of the South is thus described by Mr. Rhodes:

"The poor whites of the South looked on the prosperity of the slaveholding lord with rank envy and sullenness; his trappings contrasted painfully with their want of comforts, yet he knew so well how to play upon their contempt for the negro, and to make it appear that his and their interests were identical, that when election day came the whites, who were without money and without slaves, did the bidding of the lord of the plantation. When Southern interests were in danger, it was the poor whites that voted for

their preservation. The slaveholders, and the members of that society which clustered round them, took the offices. It was extremely rare that a man who had ever labored with his hands was sent to Congress from the South, or even chosen to one of the prominent positions in the State.

"The political system of the South was an oligarchy under the republican form. The slaveholders were in a very disproportionate minority in every State. 'Two hundred thousand men with pure white skins in South Carolina,' said Broderick to the senators, 'are now degraded and despised by thirty thousand aristocratic slaveholders.' The government of South Carolina was in favor of doing something to elevate their poor, but feared that they were 'hopelessly doomed to ignorance, poverty, and crime.' In 1850, there were 347,525 slaveholders, who with their families may have numbered two millions. The total population of the slave States was 6,125,000, so that less than one-third of the white people of the South could possibly have derived any benefit from the institution of slavery. In other words, this imperial domain, covering more square miles than there were in the free States, was given up to two million people; and more than seven millions, bond and free, labored for them or were subservient to their interests. Yet these figures by no means represent the exclusive character of the slaveholding oligarchy. In the enumeration of slaveholders were included many men from the laboring class who by unusual industry or economy had become possessed of one slave or perhaps more, but who politically and socially belonged only to the class from which they had sprung. Of the large planters owning more than fifty slaves, whose elegance, luxury, and hospitality are recited in tales of travellers, over whose estates and lives has shone the lustre of romance and poetry, there were less than eight thousand. They were the true centre of the oligarchy. Around them clustered the few educated people of the country, also the high societies of the cities, composed of merchants, doctors, lawyers and politicians; which society was seen to the best

advantage in New Orleans, Charleston, and Richmond. Including all these, the total number must have been small; but it was for them that slavery existed. What has been here adduced is sufficient to show that slavery was certainly not for the advantage of the negro. No one seriously maintained that there were any benefits in the system for the poor whites; since it degraded labor, and therefore degraded the white man who had to work with his hands. It is one of the striking facts of our history that these despised people fought bravely and endured much for a cause adverse to their own interests, following Lee and Stonewall Jackson with a devotion that called to mind the deeds of a more heroic age.

"It was then for a small aristocracy that slavery continued to be, and it is among them that we must look for its advantages. An apologist of the institution, who was himself one of the select few, maintained that by the existence of slavery they had greater leisure for intellectual pursuits and better means of attaining a liberal education. 'It is better,' he declares, 'that a part (of the community) should be fully and highly cultivated, and the rest utterly ignorant.'

"The South did, indeed, produce good lawyers and able politicians. Their training was excellent. The sons of the wealthy almost always went to college, and there they began to acquire the knack at public speaking which seemed natural to the Southerner. The political life of their State was early opened to them, and by the time the promising young men were sent to Congress they had learned experience and adroitness in public affairs. If they made their mark in the national House or the Senate, they were kept there, and each year added to their usefulness and influence. The aspirants for political honors being almost wholly from the small privileged class, it was not difficult to provide places for those eminently fitted. Moreover, the men who wielded the power were convinced that continuance in office was the proper reward of those who had shown capacity and honesty. The absurd practice which prevailed at the North, of

rotating their representatives in the lower house in order to make room for as many as possible of those who had political claims, never gained foot-hold in the South. This was, indeed, one reason why the South won advantages over the North, in spite of its inferior numerical strength. It is not surprising that the Southerners shone in the political sphere. Their intellect tended naturally to public affairs; they had the talent and leisure for politics which a landed aristocracy is apt to have under a representative government; and when the slavery question assumed importance at Washington, their concern for shaping the course of national legislation became a passion, and seemed necessary for the preservation of their order. But it was only in law and politics that the South was eminent. She did not give birth to a poet, nor to a philosopher after Jefferson, and his philosophy she rejected. She could lay claim only to an occasional scientist, but to no great historian; none of her novelists or essayists who wrote before the war has the next generation cared to read. Whoever, thinking of the opportunities for culture in the ancient world given by the existence of slavery, seeks in the Southern community a trace of that intellectual development which was the glory of Athens, will look in vain. Had the other causes existed, the sparse settlements of the South, the lack of a compact social body, made utterly impossible such results as mark Grecian civilization. The physical and economic conditions of the South presented insuperable obstacles to any full development of university education. While efforts were made to promote the establishment of colleges, the higher fields of scientific and literary research were not cultivated with eminent success; for the true scientific spirit could never have free play in a community where one subject of investigation of all-pervading influence must remain a closed book.

"When one thinks of the varied forms under which the intellect of New England displayed itself, and remembers the brilliant achievements there in the mind's domain which illumine the generation before the war, he cannot but feel

that the superiority of the South in politics, after the great Virginia statesmen left the stage, was held at too great a cost, if it was maintained at the sacrifice of a many-sided development such as took place at the North."

The economic basis of slavery was cotton culture: the social effects of slavery was an oligarchy. The few who profited most by slavery dominated Southern opinion concerning it and were the real leaders of its numerous friends at the North. The state of mind which could make possible such a system of human bondage under the interrogation of history attempts to defend its own. Every device, every influence, every utterance that strengthened slavery was welcomed, every criticism of slavery, howsoever mild, was intolerable, at the South. To many Southerners the negro in slavery seemed a lesser evil than the free negro, for if the slaves were freed, would the South be a tolerable residence for the white race? It may be accepted that no gentleman at the South could imagine without loathing the possibility of being obliged to live in a commonwealth composed largely of free negroes. He returned again and again therefore to the argument based on the assertion that slavery was a positive blessing both to the negro and to the white race; indeed, much evidence abounds that many humane planters believed that the negro really owed a debt of gratitude to the white race for keeping him in slavery, the negro himself—so the assertion ran—being by nature inferior to the white man and wholly incapable of taking care of himself. A favorite figure was that the negroes were like children and under the will of Providence doomed to be treated as children. No Southerner accepted as true Thomas Jefferson's declaration that "all men are created equal," unless with the understanding that the negro was excluded from the catalogue of men. A strange find among the archives of pro-slavery literature seem the volumes written to prove that the slave was a domestic animal and entitled to no more rights than one. Such books—and they are more abundant than men at the present time are likely to remember, rank among the

curiosities of human belief and effort, but they stand for terrible conditions in a not distant past. That such books should be written was incident to the existence of slavery, and was demanded by that spirit of insight which ever keen at the South moved directly to the danger point along the whole frontier of slavery. Millions of white men believe to-day that the negro is inferior to the white man and if such belief can prevail to-day, howsoever widely, its prevalence was the easier when the negro race was in slavery; the conviction was at the basis of the defense of slavery. One man enslaves another for profit rather than to conform to his own scientific conclusions; but if in the transaction, his science supports his theory of economics, he credits himself with two points in defense of it; if by any process he can persuade himself that he is also improving the morals of his slave by enslaving him, indeed, that to neglect to reduce him to slavery would eliminate him from the possibility of having morals, the chain of argument becomes seemingly complete: religion, politics swing into line in defense of the transaction and the master has put himself in harmony with the laws of God. The Southern defense of slavery was neither timid nor uncertain: it proceeded confidently to assert that science, economy, morality and religion were the corner stones of slavery. The obvious contrast between the negro and the white man settled any doubts as to the argument from science; the profitability of slave labor and its necessity under climatic and social conditions settled any economic doubts, the negro himself settled any moral doubts, and finally, the Bible settled any religious doubts, for slavery was a biblical institution.

The effectiveness of arguments for slavery on the basis of science, economy, morality and religion will appear in clearer light if for a moment one reflects on the effectiveness of arguments for the inferiority of the negro race heard in certain quarters in our own time: the white race and the negro race are essentially to-day what they have been throughout historic times. Arguments against the negro in slavery days

derived much of their strength from the power which slavery gave to the slaveowner; the slaveholding oligarchy, a small aggregate as compared with that of the whole nation, found in slavery the corner stone of its entire political edifice—the patronage of States and of the United States as well as all the wealth and profit which it identified with the institution. Northern defenders of slavery, if they fell short of Southern, differed in degree rather than in kind, whatsoever the basis of their defense: the whole fabric of argument for the institution embodying a state of mind the very existence of which seems to later generations almost impossible to believe in. When an intelligent and highly cultivated people believe that slavery is of divine origin, is an economic necessity, is based on scientific foundations, and is a blessing to the enslaved, no other force than war can dislodge the institution among them, so long as climate makes the continuance of the institution possible. Who does not hear at the present time the saying oft-repeated that the negroes were better off under slavery than as they are to-day? That then they had no cares; were happy and contented, having kind masters and mistresses to look out for them, to supply them with food and clothing and with medicine in time of sickness? What indolent, dirty, ragged negro at the North to-day is not a text for a remark on his better condition as a slave? What negro offender, North or South, does not call forth opinions that under slavery he would have been safeguarded and society also? If these opinions, often responding to convictions, linger North and South half a century after the abolition of slavery, with what effectiveness could the argument for slavery be put forth when it embodied cotton and rice and tobacco interests; political patronage, official position, social rank, and the very existence of a national régime? To understand the seeming anomaly we must return to a state of mind in which the American people lived; a state that can be paralleled perhaps by the conditions of some distant geological age during which plants and animals existed of form and kind wholly unlike those of the present, an age in

which it was impossible for the plants and animals of our own age to exist. It might seem true, then, that the human mind develops, passes through stages or epochs which, calmly investigated at a later time, seem as strange as would the Triassic or Jurassic age could we for a moment behold them.

The defense of slavery at the South implied the suppression of every force and influence, every effort or agency which tended to depreciate the institution. Education was pro-slavery; religious instruction was pro-slavery; the press was pro-slavery; conversation was pro-slavery. More than this, thought and expression must be actively pro-slavery, there must be a propaganda of slavery: the institution must be aggressive in order to live. So all text-books must be beyond suspicion of inculcating anti-slavery doctrines; preachers must be orthodox on slavery, even books and papers received from outside the South must be free from anti-slavery taint. Moral philosophies written by Northern men, and Wayland's book, familiar yet to thousands as a text-book in their college days, must be "edited" by the utterances of the Southern instructor who used it; even classic English writers, Burke, Chatham and Fox, expressed sentiments on the slavery question which Southern youth were taught could not be tolerated. To-day, at the South, school books on American history are used which teach that the Civil War as waged by the South was a "war for Southern independence" and Northern text-books on the subject which assert that the essential cause of the war was slavery are refused admission into the schools. Northern publishers of school books have one set for the South and another for the North. This continuing difference of opinion is a vestige of slavery times.

Innumerable speeches were delivered in Southern legislatures, at the hustings, at public gatherings for literary improvement, at agricultural meetings, in conventions of various sorts and in Congress to prove that the South, under slavery, was richer and more prosperous than the North. The argument for material prosperity can hardly be said to be the highest in character that can be advanced either for or

against slavery, but the love of money affords an easy entrance for such an argument into the mind, and thousands who might hesitate and condemn slavery on moral grounds were convinced that the material argument entirely swept away their moral objections. Senator Hammond in 1857 quite satisfied thousands at the North, as he satisfied the South, when he made his boastful statements of the indebtedness of the whole nation to the cotton planter for making it possible to avoid utter national bankruptcy, at least at the North. As intercourse between South and North fell away and the South became isolated and the North looked toward the West and dreamed of new free States, it became easier for each section to talk in provincial fashion and boast of its riches and its strength, its culture, its knowledge, its morality. History abounds in examples of gasconade. The perusal of American history as it has been written until recent years gives the reader the impression that America was only a seething political cauldron. Now in truth politics, save as it gives expression and understanding to economics does not interest the American. It is safe to say that the voter votes with his party because he believes or thinks that he believes that the triumph of his party will in some way promote his general welfare, even advance his own business or occupation toward a greater prosperity. The political histories of the United States—and as yet they comprise most that have been written—convey the impression that from a very early day in our national history the American people were consciously engaged in a fierce struggle over slavery. It is true that the contest between freedom and slavery was going on as it has been going on for thousands of years, in one form or another, but it is also true that even down to the outbreak of the Civil War there was no actual conflict between North and South over slavery as a conscious, voluntary, persistent strife among the mass of people either North or South. Even Abraham Lincoln was not in 1860, the year of his election to the presidency, an abolitionist, nor was the party which elected him an abolition

party: the Republican party enrolled abolitionists, but abolitionists did not control the Republican party in 1860. People at the North, that is the plain people, however they criticised slavery accepted it as a fact, a condition, an institution, and hoped that some day it might pass away. Public opinion rests ultimately on economic ground and whatsoever determines the character of that ground determines the character of public opinion. But economic conditions quite elude us until time has set events in perspective: then we may be able to see in what direction men and things were moving.

The year 1840 may be taken as the year when slavery was as secure, as productive economically, as deeply intrenched in American life, as at any time in its history in this country. And the decade from 1840 to 1850 may be taken as the period when the state of mind in America which made slavery possible was as calm and fixed and apparently dominant as at any decade in the history of slavery in America. A comparison between North and South in wealth and industry and in education during the years when slavery was yet removed many years from extinction may disclose forces at work in the nation likely at last to determine the national character.

It has already been said that the North encouraged, the South discouraged, invention and the use of machinery. Had a map of the United States been made in 1846 to show the distribution of inventions during the year, the region of slavery showed the fewest, the region of freedom the most: the fourteen slave States, with a population of seven and a third millions received seventy-six patents, that year, or one for each 96,505 persons; to the free States, with a population of nine and (a little less than) three-quarter millions there were granted five hundred and sixty-four patents, or one for each 17,249 persons and had the map been shaded so as to indicate the intensity of American inventiveness, the region least shaded would have indicated the cotton-growing States and the shade would have deepened, through the slave States, northward, almost imperceptibly

and slowly, Maryland, showing twenty-one inventions; but Massachusetts showing sixty-two, and New York State, with one-fourth the population of the slave States, showing two hundred and seven patents, or more than three times as many as the whole South. The incentive to invention was lacking and the power was discouraged by the industrial system and the dominant thought of the South. The effect was startlingly clear when North and South came into armed conflict: the armies of the North enrolled hundreds of thousands of skilled mechanics whose efficiency displayed itself at critical moments—when bridges must be constructed amidst novel obstacles, rolling-stock repaired far from shops and mechanical conveniences, and again when unexpected difficulties confronted them. The Southern soldiers, brave, enduring, devoted to their cause, were no match for the inventive minds opposed to them and in consequence were handicapped in all that pertained to mechanical work necessary in their military operations. If slavery were compatible with high economic efficiency, as displayed, for example, in inventiveness and the use of machinery, it may well be doubted whether the institution would not now characterize the dominant civilization of the earth. But the slave can never be more than a rude man with tools; untrustworthy for the care and operation of machinery and quite destitute of the practically inventive faculty. In excluding machinery and by discouraging inventiveness, the South deprived herself of one of the chief powers in modern civilization, as the Civil War disclosed. Is it strange that in 1846 there were some thoughtful people in America who believed that the machinery in daily use in the free States had a greater productive ability than the 3,000,000 slaves at the South?

The export of cotton was the chief source of income to the South, yet the export trade was not in Southern hands. In 1846, the free States on the Atlantic seaboard had 2,160,501 tons of shipping, the slaves States on the seaboard, only 401,583 tons; the State of Ohio, two thousand miles from the ocean, had 39,917 tons, while Virginia, abounding in

bays and harbors, had only fourteen thousand tons more. These were the days of wooden ships and the material for craft of all kinds, as well as its accessibility, was naturally as great at the South as at the North, yet the State of Maine built more ships than did all the slave States.

Facilities for travel are always a test of the efficiency of a people: as late as 1850, there were 2,090 miles of railroad in operation in the slave States, the cost of the construction of which was \$44,000,000; in the free States there were 6,450 miles, costing \$256,000,000; the Middle States alone having a mileage equal to that of the entire South and costing three times as much. As in the case of the record of inventiveness, a railroad map for the year 1850, shows an increase in mileage and efficiency as one leaves the cotton-growing States, though it must be remembered that steam-boats ascended the innumerable rivers, bays and bayous of the rice, sugar and cotton-growing States and transported the crop. But the people of the South were not such travellers as they of the North: the slave population, excepting negroes en route to new masters and runaway slaves, may be described as sedentary, while during the decade 1840-1850 upwards of two millions of Northern people changed their place of residence usually from older to newer States, and ever westward. The Northern mind loved change and variety; the Southern mind was habituated to a sedentary and uniform occupation, agriculture, and the more intensely a people becomes agricultural, to the exclusion of manufactures, the more limited are the objects of its thought, the less national, the more provincial it becomes. The wealthy, highly cultured planter at the South was not typical of the mass of Southern people; he travelled abroad, he possessed a beauty of manners and a social rank which might grace any civilization, but the rank and file of those who were below him in the social scale were more like the mass of the inhabitants of Russia—appendages of the soil. If plain people at the North can be described as living a varied life, the mass of people at the South can be described as living

a monotonous life. Their peculiar institution encouraged if it did not necessitate it.

The South induced agriculture and built up her life upon it. In 1839, the aggregate value of the products of Southern agriculture was \$312,380,151; that of Northern, \$342,007,446, yet for every nineteen laborers South there were only seventeen North. It was her subtropical products of which the South boasted and the monopoly in the production of which gave her her power: yet over against the entire value of the tobacco, the rice, the sugar and the cotton raised in the slave States, which was \$74,178,184, may be set the agricultural product of New York State in that year, the value of which was \$108,275,281.

The South was not without manufactures, as the aggregate value of her manufactured articles, in 1839, \$42,178,184 indicates, but the value of articles manufactured in the free States, that year, was nearly five times as much. The 518,817 spindles in Rhode Island, more than twice outnumbered all the 246,601 spindles at the South, and yet a true economy—which since the Civil War has compelled acceptance—would have erected and maintained cotton mills as near the cotton region as possible. But a cotton mill cannot be run by slave labor and compete with a mill run by free labor. Soil, climate, the capacity of the laborer have not changed. Probably no man living in 1839 believed that within half a century the South would become a manufacturing region and that in direct competition with the North it would be able to eliminate its Northern rival from the field. "Until a comparatively recent period," writes a member of the Interstate Commerce Commission in the *Century Magazine* for February, 1906, "cotton cloth was mostly manufactured in New England, but in later years cotton mills have sprung up in the South. This cloth, whether woven in New England or in the South, is largely consumed in the Middle West, of which Chicago may be taken as a type. The Southern mill in its infancy (some twenty years after the close of the war) said to the railroads which

connected it with Chicago: We must have a low rate to help us against our established competitors in New England. As the Southern mill waxed strong, the New England mill appealed to its railroads, saying: Our rate must be reduced to protect us against the competition of the Southern mill, whose raw material, whose power, whose labor, is cheaper than ours. . . . The present rate on cotton cloth to Chicago is sixty-five cents per hundred pounds from New England and fifty-five cents from the Carolinas."

In other words, time has disclosed the greater economy of weaving cotton cloth near the site of the cotton fields, and near also, the coal fields, and amidst the cheap, though in the earlier years of the manufacture, unskilled labor of the South. The only essential difference now and in 1839, is not in the cotton, or the coal, or the relative cost of transporting either the raw material or the finished article, but in the condition of the labor: then slave, now free. And the prospect is of the supremacy of the South in all manufacture which utilizes its own special raw material. Slavery operated to exclude the South from occupying a foremost place among the manufacturing regions of the world.

The relative strength of North and South in 1840 is further hinted at by the fact that the States of Massachusetts and New York were greater wage earners than all the Southern States combined, the single county of Essex, in Massachusetts, earning more than the State of South Carolina, though having only one-sixth of the population. It was from such facts as these that opponents of slavery, in 1840, drew their conclusion that the machinery of the North earned and produced more than the entire slave population of the South.

The years 1839 and 1840 were the birth years of the greater number of men who fought in the Civil War, but a very great body of the soldiers, both North and South, were born in 1841 and 1842. At the time these soldiers were boys beginning school, the contrast in educational opportunities North and South was striking: the State of

Ohio alone had nearly eighteen thousand more scholars in its primary schools than all the slave States, and New York State had two and a half times as many. In the high schools of Massachusetts there were 158,351 scholars, or more than four times as many as in schools of similar grade at the South (35,935). At the South one in ten of the free white population was unable to read or write; at the North the proportion was one in one hundred and fifty-six; but this ratio, which applied to persons over twenty years of age, disclosed its significance more startlingly when individual States were contrasted: in Connecticut 526 persons over twenty years of age were illiterate; in South Carolina there were 20,615 illiterate free whites over that age, that is, out of each 626 free whites more than 58 were wholly illiterate; out of that number in Connecticut less than two. This fact signified that more than one-sixth of the voting population of South Carolina were unable to read their ballots.

There were at this time 377 newspapers published at the South, to 1,135 at the North; as late as 1860 the contrast was yet more significant: 2,263 secular papers and 214 religious published at the North; 979 secular and 63 religious, at the South. Considering that the circulation of newspapers was from fifty to seventy-five per cent less at the South than at the North—a slaveholding community containing relatively fewer readers—the people of the South were shut off from one of the chief forces in modern civilization. The churches at the South taught that slavery was a divine ordinance; ministers and church-members owned slaves. The General Conference of the Methodist Episcopal Church voted in 1836 "not to interfere in the civil and political relations between master and slave," urged its members "to abstain from all abolition movements," and later declared that American slavery "is not a moral evil;" the Presbyterian Church, the Roman Catholic Church, in the South, sustained slavery, and the churches at the North joined with them in the belief: if America was a Christian land in 1840, most of the slaves in it were the property of

so-called Christians. Of the many sects professing the principles of Christianity, one alone rejected slavery and refused to suffer slaveholders to be enrolled—namely the Society of Friends, who from the days of the Revolution not only refused to be a slaveholding body but advocated the abolition of slavery. That the churches of America should ever declare in favor of slavery as “an ordinance of God” only shows the persistency of a state of mind which made slavery possible. That state of mind proved but a phase in the moral and spiritual development of a people: this at least is the most charitable, if not the philosophic interpretation to put upon it.

In population, in value of manufactures, in number of schools, in number of scholars in the several grades of schools from primary to the university, in value of agricultural products, in number of newspapers, in the number and tonnage of ships, in mileage of railroads and cost of railroad construction, in the number and value of private residences and of new buildings constructed each year, the North, in 1840 exceeded the South. But in moral sentiment, in attitude toward slavery as an institution, the North joined with the South; and the North profited indirectly in slavery, because she obtained her raw cotton from the South, profited largely by the manufacture of it and also through its sale and use. Morally, North and South were not in notable contrast, in 1840, on the slavery question. Even the religious sects, save that of the Society of Friends, joined hands in pronouncing slavery to be of divine origin.

Who can estimate the force of this conjoint moral sentiment as a basis of the slave power in America? To what extent was slavery caused, if not sustained, by the teachings of Christian churches in America, North and South, in 1840?

But there was another element of strength in the slave power. By the Constitution of the United States representation and direct taxes were apportioned to population, and three-fifths of the slave population counted as a free

population. The size of the House of Representatives is regulated by the House itself by an apportionment law which is enacted soon after a census is taken. By the apportionment after the census of 1840, one Representative was allowed to every 70,680 free men, by which law the House, then consisting of 255 members, contained twenty Representatives on account of the slaves, or one-twelfth of the entire membership: the inequality of the apportionment disclosed itself in the actual basis of representation—the number of free men at the North required to elect a Representative in Congress being 70,680, while at the South every 55,725 free persons elected a Representative. As the population of the North increased relatively faster than that of the South, the discrepancy grew apace with the years. If slaves were property and were thus represented in Congress equity demanded that property at the North should also be represented. Four times did the United States levy a direct tax—in 1798, 1813, 1814, and in 1816—the aggregate being \$14,000,000; of this the South paid \$1,256,553 on her slaves. During President Jackson's administration (1837), the surplus revenue of the United States was distributed among the States according to their electoral votes, by which arrangement the slave States, though having scarcely half the population of the free, received for each free man \$4.20; the North received but \$3.05 for each free man.

From 1789 to 1845, of the eleven incumbents of the presidency, but three were of Northern birth; one of these, Van Buren, held Southern principles. No Northern man was re-elected president. During this period of fifty-six years, of the one hundred and seventy appointments of ministers and chargés, ninety-two were from the South. Forty-three of the seventy ministers plenipotentiary sent to Europe before 1846 were from slave States; eighteen of the thirty-three judges of the Supreme Court of the United States were from the South and fourteen of the eighteen attorney-generals of the United States during that time. Nineteen of the thirty Congresses had elected a Speaker

from the South, and the minor appointments, department clerks, Indian agents, military and naval officers showed the same preferment. The Government of the United States was controlled by the slave power. And yet in population, in wealth, in resources, mechanical, educational, economic, that power fell below the free States.

The conclusion is irresistible that slavery, in 1845, owed its real support to the moral sentiment of the American people, North and South; that of itself it was not equal to coping with free institutions; that it was less productive as an economic force and that unless constantly acquiring fresh soil or additional protection by the country at large, it was a self-consuming force, unable to sustain itself throughout its domains.

The political aspect of slavery down to the decision in the Dred Scott case was of a power ever demanding more land and more complete protection. Slavery extension was the cry as soon as the Louisiana country was acquired in 1803. It was demanded steadily and save with the temporary denial by the Compromise of 1820, and that of 1850, it was given—as by the Kansas-Nebraska Bill and, completely, by the decision in the Dred Scott case. Down to the outbreak of the Civil War the preponderance of Southern over Northern men in the diplomatic service of the United States; in the Federal Courts; in the army and navy; in the administrative work of the government—the heads of departments, clerkships and commissions—continued. The South controlled the government from 1845 to 1861 as effectively as from 1789 to 1845. The administrations of Taylor, Fillmore, Pierce and Buchanan were in no sense hostile to slavery; Jefferson Davis was secretary of war throughout Pierce's administration and not one of the twelve men who served at one time or another as advisers to President Buchanan was anti-slavery. However much John A. Dix, or Edwin M. Stanton—who came late into Buchanan's Cabinet—may have deplored the existence of slavery, they used their official authority in its defense during their

ministry, though both, after the outbreak of the Civil War, became—the one as a distinguished general, the other as secretary of war—active supporters of an anti-slavery policy which at last culminated in the overthrow of the institution. Edwin M. Stanton had the unique experience of serving the last pro-slavery administration in the United States as attorney-general, and of serving the first anti-slavery administration as secretary of war. This fact hints at the suddenness with which the change came at last.

In a republic, sectional antagonisms ultimately take political form. In November, 1838, the Liberty party organized in convention at Albany, New York, and nominated James G. Birney, of New York, for president, and Francis Lemoyne, of Pennsylvania, for vice-president, on a platform, the principal resolution of which, adopted by the convention on the 13th, declared:

"That, in our judgment, every consideration of duty and expediency which ought to control the action of Christian freemen requires of the Abolitionists of the United States to organize a distinct and independent party, embracing all the necessary means for nominating candidates for office and sustaining them by public suffrage." At the presidential election of 1840 Birney and Lemoyne received 7,059 votes. But the conviction which thus culminated in these epoch-making votes had been forming for many years. In 1774, an abolition society, composed chiefly of Friends, was organized in Philadelphia. In the original draft of the Declaration of Independence, written two years later, Jefferson pronounced against slavery, but the passage was cut out to please the Carolinas and Georgia. Ten years before the Declaration a movement took form in eastern Massachusetts to abolish slavery; abolition bills were introduced into the legislature but failed, usually because of the refusal of the governor to sign them: at this time England favored slavery and slavery extension. The Association of 1774, which expressed the changing attitude of America toward England, pronounced against slavery and the slave trade and

the Continental Congress of 1776 went on record against the trade. The Committee of Safety of Massachusetts in 1775 refused to enroll slaves in the army. In the following year the legislature forbade the sale of two negroes advertised at Salem. Finally, the State constitution of 1780, in its Bill of Rights, declaring that "all men are born free and equal," some negroes, in the following year pleaded the clause in defense of their rights and the court sustained their plea; but in 1836, Chief Justice Shaw, of that State, attributed the abolition of slavery in the State to the force of public opinion as expressed in the Declaration of Rights in the constitution of 1780.

Yet at this time Massachusetts people were engaged profitably in the slave trade, many of the slavers which plied between Africa and the Southern States being owned and manned in New England. The State Law of 1788 at last prohibited the traffic, but even in New England public opinion against slavery and the slave trade grew slowly. It has been asserted that the delay of England to abolish slavery—which was not done until 1834—affected public opinion in New England.

The Ordinance of 1787 was the result of several attempts by Congress to organize the Northwest Territory and contained the following article:

"There shall be neither slavery nor involuntary servitude in the said Territory otherwise than as a punishment of crime, whereof the parties shall have been duly convicted."

Viewed in the light of events this Ordinance and this article in particular indicated the way America was going. The Ordinance received support North and South, delegates from slave States and from free States voting for it, and the fugitive-slave clause in the Ordinance received the unanimous support of the members. It would appear that at this time the limitation of slavery practically to the Southern half of the national domain was not viewed with apprehension even by the South, and the fact that while Congress was formulating and passing the Ordinance of 1787,

the Federal Convention, in session in Philadelphia, was working out the slavery compromises of the Constitution—some members of the Convention were also members of Congress—tends to support the assertion that the limitation of slavery was a familiar thought to the statesmen of that day and was not seriously opposed.

The several compromises on slavery, in the Constitution, were:

On the inclusion of the slave population in the basis of representation by which representation should be based upon "the respective numbers," that is, the population of the several States, including three-fifths of "all other persons"—that is, the slave population;

On the apportionment of direct taxes in like manner;

On the continuance of the slave trade, which should not be prohibited by Congress prior to the year 1808; and,

On the rendition of fugitive slaves.

But the fact of compromise establishes the fact of hostility to slavery.

The cession of western lands by North Carolina and Georgia was accompanied by the condition that Congress should make no laws tending to abolish slavery in the new region—that is, in Tennessee, Alabama and Mississippi—the region south of the Ohio being put in counterbalance to the region north of it; the condition thus fixing slavery upon the territory south of the Ohio was inserted in the act of Congress of 1790, accepting the North Carolina cession. Anti-slavery sentiment down to the time of the purchase of the Louisiana country exerted itself almost wholly against slavery at the North.

The momentum of population—that from the South, that from the North being directly westward—tended to extend the line of division between slave and free soil across the Mississippi, and this latent sentiment largely explains the origin of the Compromise of 1820. But at that time opposition to slavery extension was organizing in many local societies and meetings, the culmination of whose influence

was the formation of the Anti-Slavery Society in 1832 whose animus was clearly indicated in its name. The Society was founded in Boston, but in the following year, at Philadelphia, the American Anti-Slavery Society was organized and issued a Declaration of Sentiments, written by William Lloyd Garrison, the central thought of which was that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness—quoting from the Declaration of Independence. With the founding of this American Society dedicated to the abolition of slavery, the antagonism between the North and the South may be said to have begun, for from this time until the abolition of slavery, thirty-two years later, the contest raged, culminating in the Civil War. The Abolitionists put their hostility to slavery wholly on moral ground but they organized a political party to give practical operation to their convictions, and named Birney and Lemoyne as their candidates in 1840.

The Liberty party was an out-and-out abolition party; it set up newspapers, of which Garrison's *Liberator*, established in Boston in 1830, was perhaps the most notable and influential; it printed pamphlets and books and sermons without number and circulated them through the mails. Benjamin Lundy, a New Jersey Quaker, was the father of anti-slavery literature, beginning his monthly paper—*The Genius of Universal Emancipation* in 1821. The publication, like its author, was peripatetic: starting in Baltimore; driven from thence to Philadelphia; destroyed there by a mob and removing to Illinois, where Lundy continued to print it till his death in 1839. It was Lundy who indoctrinated Garrison in abolition activities. Thus the year 1840, the time selected for the contrast of North and South in material interests, marks the opening of an epoch in anti-slavery agitation which never ceased till the Thirteenth Amendment to the Constitution was adopted in 1865.

But this broadside of anti-slavery literature alarmed and exasperated the South; Southern legislatures passed law after

law to exclude it from the South and President Jackson in his annual message in 1835 invited the attention of Congress "to the painful excitement produced in the South by attempts to circulate through the mails inflammatory appeals addressed to the passions of the slaves, in prints and in various sorts of publications, calculated to stimulate them to insurrection and to produce the horrors of a servile war. There is doubtless no respectable portion of our countrymen who can be so far misled as to feel any other sentiment than that of indignant regret at conduct so destructive of the harmony and peace of the country, and so repugnant to the dictates of humanity and religion. Our happiness and prosperity essentially depend upon peace within our borders, and peace depends upon the maintenance in good faith of those compromises of the Constitution upon which the Union is founded. It is fortunate for the country that the good sense, the generous feeling, and the deep-rooted attachment of the people of the non-slaveholding States to the Union and to their fellow-citizens of the same blood in the South have given so strong and impressive a tone to the sentiments entertained against the proceedings of the misguided persons who have engaged in these unconstitutional and wicked attempts, and especially against the emissaries from foreign parts who have dared to interfere in this matter, as to authorize the hope that those attempts will no longer be persisted in. But if these expressions of the public shall not be sufficient to effect so desirable a result, not a doubt can be entertained that the non-slaveholding States, so far from countenancing the slightest interference with the constitutional rights of the South, will be prompt to exercise their authority in suppressing so far as in them lies whatever is calculated to produce the evil. . . . It is proper for Congress to take such measures as will prevent the Post Office Department, which was designed to foster an amicable intercourse and correspondence between all members of the Confederacy, from being an instrument of an opposite character. . . . I would therefore call the special attention

of Congress to the subject, and respectfully suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the Southern States, through the mail, of incendiary publications intended to instigate the slaves to insurrection."

It will be observed that in this message President Jackson speaks of the United States as a "Confederacy," and that he recognizes anti-slavery agitation as inimical to the perpetuity of the Union. Out of the spirit which advises Congress to forbid anti-slavery literature access and carriage in the mails, Congress entered upon a long period of bitter agitation on the subject and from this time such literature was not knowingly suffered to enter the South: the exclusion was due, however, rather to the force of public opinion than to positive law.

Jackson's reference to the general odium at the North attaching to the abolitionists might be followed to great length in the records of riots, violent seizures of leading abolitionists, as of Garrison himself in Boston; the destruction of the property of abolitionists, their dwellings, their school houses, their domestic animals, in various parts of the North, from New Hampshire to the Mississippi.

Washington, at the outset of his administration, signed the first fugitive-slave law, but the South was ever demanding a more effective law. This act of February 12, 1793, was a source of irritation between the South and the abolition element at the North. The South insisted upon the execution of the law both by Federal and by State officers as might best fulfil the law. Fugitive slaves provoked the pity of men at the North who were not abolitionists; the conviction that the fugitive had rights found expression in the "personal liberty laws" of which the first, that of 1840, was passed by the legislature of New York, securing to the fugitive the right of a jury trial. In 1829, the Supreme Judicial tribunal of North Carolina handed down an elaborate decision defining the extent of the dominion of the master over the slave: it was complete, absolute, final,

permanent and voidable only by the act and will of the master. Fugitive slaves could not secure any right by flight or escape into another State. It was not until 1842 that the Supreme Court passed upon the constitutionality of the fugitive-slave law, the case of Prigg, a fugitive negro reaching the Court from Pennsylvania, that year. Mr. Justice Story in delivering the opinion of the Court sustained the law but laid down the principle that the rendition of the fugitive rested wholly upon the United States; in other words, if the runaway slave was to be recovered, State officials could not be compelled to aid in recovering him. The decision was of the highest importance and value to the abolitionists. It relieved the free States of a grievous and often revolting burden. Immediately the effect was seen in the enactment of personal liberty laws by Massachusetts and Vermont, in 1843; by Pennsylvania in 1847; by Rhode Island in 1848, and new or revised laws by Vermont, Rhode Island, and Connecticut, in 1854; by Maine, Massachusetts and Michigan in 1855; by Wisconsin and Kansas in 1858; by Ohio in 1859 and by Pennsylvania in 1860. These laws put the fugitive upon the same legal plane as the citizen of the State; directed that counsel should be assigned him and gave him all the means of self-defense allowed citizens. The penalties of aiding in the rendition of fugitives unlawfully arrested were made severe.

Of the constitutional right of the free States to enact any such laws there was in strictness none. Every State North was constitutionally bound to aid in executing the Constitution of the United States and the laws of Congress made in accordance therewith: but the fugitive-slave act was hateful and increasingly hateful to a growing number of people at the North. Thus to violate the Constitution and the fugitive-slave act of 1793 by the passage and execution of these personal liberty bills was in essence a nullification of the Constitution—to the extent that these laws impeded the execution of the Federal fugitive-slave act. The actual

number of fugitive slaves reported for 1860, by the census, was 803, or one out of every 5,000 slaves, or one-fiftieth of one per cent of the slave population; the number in 1850 was 1,011, or one in each 3,165 held in bondage, and the decrease was reported as rapid in the border States. This was a small number of actual escapes upon which to formulate and base a hopeless antagonism between North and South, but probably no other element in anti-slavery agitation was sharper or more exasperating to the South.

The abolition sentiment in the North grew. In the presidential election of 1844, the Liberty party, having nominated Birney again, and with him, as vice-president, Thomas Morris, of Pennsylvania, polled a vote of 62,300. In its platform, which was elaborate, the party placed itself on moral grounds in its hostility to slavery; affirmed that its principles were national and those of all pro-slavery parties sectional; that the faith of the States and of the Nation had been pledged by the Declaration of Independence and its principles to abolish slavery; that Congress by the Ordinance of 1787 had acted on that principle; that all acts and laws extending slavery over new Territories or upon the coast waters of the United States violated the principles of the Union; that slavery, as defined by slaveholding jurists was "against natural rights and strictly local;" that the General government had no power under the Constitution to establish or to continue slavery anywhere; that the provisions of the Constitution which conferred extraordinary political powers on the owners of slaves and thereby constituted the 250,000 slaveholders in the slave States a privileged aristocracy, and the provisions of the fugitive-slave laws "anti-republican in character, dangerous to the liberties of the people and ought to be abrogated." The decision of the Supreme Court in the case of Prigg was such a construction of the fugitive-slave law as to "nullify the habeas corpus acts of all the States and take away the whole legal security of personal freedom, and ought to lead to the immediate repeal of that act." The party demanded "freedom

of speech, freedom of the press and of the right of petition" and also the immediate emancipation of the slaves.

The notable character of the party's platform in 1844 was the direct issue which it raised of the unconstitutionality of slavery as well as its immorality. This was a new phase of the contest; it signified that some sixty-two thousand men in the United States, representing a population of perhaps 400,000 souls, were intent on identifying their moral convictions with a political creed; thus anti-slavery was learning from pro-slavery how to strengthen its power: for at the South morality and politics were united in defense of slavery.

In 1848, the Free Soil party nominated Martin Van Buren and Charles Francis Adams, on "a national platform of freedom in opposition to a sectional platform of slavery." Slavery, so the platform ran, existed in the States by virtue of State laws which the Federal government could neither repeal nor modify. "We therefore propose no interference by Congress with slavery within the limits of any State. Congress has no more power to make a slave than to make a king. The Federal government should relieve itself from all responsibility for the existence or continuance of slavery wherever the government possessed constitutional power to legislate on the subject, and it was thus responsible for its existence." The true and only safe means of preventing the extension of slavery into territory now free is to prohibit its extension in all such territory by act of Congress: no more slave States and no more slave territory.

This, it will be remembered, was uttered in 1848, at the time when the extension of slavery over the area acquired from Mexico was the issue. California and New Mexico, so the Free Soilers demanded, should be free. The motto of the party was, "Free Soil, Free Speech, Free Labor, and Free Men." The vote of the Free Soil party in the election of 1848 was 291,263, sufficient, had the party been in sympathy with the Whigs, to have swelled Taylor and Fillmore's popular vote to more than 1,600,000: but the Whigs were not a free soil party. As Lincoln said a few years later

of some hundred thousand clear Republican votes cast in Illinois, "The pile is worth keeping together," so of the free soil vote in the United States in 1848: but a free soil vote for Martin Van Buren seemed an anomaly to many Americans; as president, Van Buren had not inclined to anti-slavery.

In 1852, the Free Soil party declared in its platform, on which it nominated John P. Hale, of New Hampshire, for president, and George W. Julian, of Indiana, for vice-president, that the Federal government was one of limited powers derived solely from the Constitution and could not establish slavery, or create slave States or Territories; that slavery was a sin and a crime; that the Fugitive Slave Act, which formed part of the Compromise of 1850, was repugnant to the Constitution, to the principles of the common law, to the sentiments of the civilized world and should be repealed; that so too was the entire Compromise of 1850, in so far as it favored slavery. Slavery was sectional, freedom, national. The vote of the party was 156,149.

Before the next presidential election occurred the initial struggle over Kansas, the enactment of the Kansas-Nebraska Bill and the repeal, thereby, of the Compromise of 1820 and that of 1850. The Republican party was founded, nominating John C. Frémont, of California, and William L. Dayton, of New Jersey, as its candidates for president and vice-president, in the Philadelphia convention of June, 1856. The young party denied "the authority of Congress, of a Territorial Legislature, of any individual or association of individuals, to give legal existence to slavery, in any Territory of the United States while the present Constitution shall be maintained. That the Constitution confers upon Congress sovereign power over the Territories of the United States for their government, and that in the exercise of this power it is both the right and the duty of Congress to prohibit in the Territories those twin relics of barbarism, polygamy and slavery." The party attacked the whole attitude of Pierce's administration toward the people of Kansas and demanded the admission of the State with a free constitution.

In June, 1856, the Democratic party, in convention at Cincinnati, nominated James Buchanan, of Pennsylvania, for president, and John C. Breckenridge, of Kentucky, for vice-president. The issue before the country was now clearly defined, as indicated by the platform of the party:

"We reiterate with renewed energy of purpose, the well-considered declarations of former Conventions upon the sectional issue of domestic slavery and concerning the reserved rights of the States:

"(1) That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything pertaining to their own affairs not prohibited by the Constitution; that all efforts of the Abolitionists, or others, made to induce Congress to interfere with the questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions.

"(2) That the foregoing proposition covers, and was intended to embrace, the whole subject of slavery agitation in Congress; and therefore, the Democratic party of the Union, standing on this national platform, will abide by and adhere to a faithful execution of the acts known as the Compromise measures, settled by the Congress of 1850: 'the act for reclaiming fugitives from service or labor' included; which act, being designed to carry out an express provision of the Constitution, cannot, with fidelity thereto, be repealed or so changed as to destroy or impair its efficiency.

"(3) That the Democratic party will resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question under whatever shape or color the attempt may be made.

"(4) That the party will faithfully abide by and uphold the principles laid down in the Kentucky and Virginia Resolutions of 1798, and in the report of Mr. Madison to the Virginia Legislature in 1799; that it adopts those principles as constituting one of the main foundations of its political creed, and is resolved to carry them out in their obvious meaning and import.

"That claiming fellowship with and desiring the co-operation of all who regard the preservation of the Union under the Constitution as the paramount issue—and repudiating all sectional parties and platforms concerning domestic slavery which seek to embroil the States and Territories and incite to treason and armed resistance to law in the Territories, and whose avowed purposes, if consummated, must end in civil war and disunion—the American Democracy recognize and adopt the principles contained in the organic laws establishing the Territories of Kansas and Nebraska as embodying the only sound and safe solution of the 'slavery question' upon which the great national idea of the people of this whole country can repose in its determined conservatism of the Union—Non-interference by Congress with slavery in State and Territory, or in the District of Columbia.

"That was the basis of the Compromise of 1850, confirmed by both the Democratic and Whig parties in national Conventions—ratified by the people in the election of 1852—and rightly applied to the organization of the Territories in 1854.

"That by the uniform application of this Democratic principle to the organization of Territories and to the admission of new States with or without domestic slavery, as they may elect—the equal rights of all the States will be preserved intact—the original compacts of the Constitution maintained inviolate—and the perpetuity and expansion of the Union insured to its utmost capacity of embracing, in peace and harmony, every future American State that may be constituted or annexed, with a republican form of government.

"We recognize the right of the people of all the Territories, including Kansas and Nebraska, acting through the legally and fairly expressed will of a majority of actual residents, and whenever the number of their inhabitants justifies it, to form a constitution, with or without domestic slavery, and be admitted into the Union upon terms of perfect equality with the other States."

The Whigs and the Know-Nothing, or American Party, the one in convention in Baltimore in September, the other in convention in February at Philadelphia, nominated Millard Fillmore, of New York, and Andrew Jackson Donelson, of Tennessee, as their candidates, on platforms neither one of which made slavery extension an issue. The Popular vote was 1,838,169 for Buchanan and Breckenridge; 1,341,264 for Frémont and Dayton; and 874,534 for Fillmore and Donelson. Buchanan and Breckenridge carried every slave State, except Maryland, which cast its vote for Fillmore and Donelson, and Pennsylvania and New Jersey; Frémont and Dayton did not carry a slave State but gained all the free States except New Jersey and New York. For the first time in the history of the country a president was elected by a sectional vote—the Southern vote being the majority with the aid of the pro-slavery vote of New Jersey and Pennsylvania. And for the first time the principal issue before the country was slavery extension and the nationalism or the sectionalism of slavery. Pennsylvania had long been loyal to Buchanan. He had served her and his country more than forty years, as State legislator, United States senator, minister to Russia, under Jackson, secretary of state under Polk, minister to England under Pierce. It was the Buchanan influence which carried Pennsylvania in the election of 1856. That New Jersey had two hundred and thirty-six slaves in 1850, and eighteen as late as 1860, tells the whole story why that State was in the Democratic column in 1856.

There were other issues than slavery after 1840, some of them running back to the earlier years of the republic.

Most of these issues were of temporary interest, as the ratification of the Constitution; the assumption by the General government of the public debt, State and Federal, occasioned by the Revolutionary war; the establishment of a Bank; the purchase of Louisiana; the embargo at the time of the second war with England; internal improvements—which were the principal issues down to 1832; then the tariff, the Bank, the respective powers of the United States and the several States, the veto power of the president, the acquisition of Oregon, down to 1844. But after 1840 the growing issue was slavery: first its abolition, as in the platforms of the Liberty party in 1840 and 1844, but defined in the Free Soil platform of 1848 as the prohibition of slavery in the Territories, with no interference by Congress with slavery within the limits of any State. Anti-slavery thus turned from the States to the United States and continued to demand the limitation of slavery by the United States at successive presidential elections, taking the ground that slavery was local, freedom national; that freedom was the rule, slavery the exception, according to the principles of representative government in America. The anti-slavery movement from 1848 until the abolition of slavery consisted of two parts: a minor body instigated and kept up by radical Abolitionists who demanded the extinction of the institution at any cost and classed the Constitution and the laws of Congress along with slavery as "a covenant with hell"; and the greater body, the Free Soilers, who were content to let slavery alone in the slave States but demanded prohibition of it by the United States in all the Territories and its limitation to the slaveholding States. The distinction was one of degree, for slavery limitation meant, ultimately, slavery extinction—the economics of slavery making its continuance indefinitely on the same soil impossible. Even the favored cotton-garden of the South could not sustain the institution indefinitely. Yet, in the arguments against slavery neither Abolitionists nor Free Soilers emphasized the economics of the case: it was slavery the immoral institution, not slavery

the institution violating the laws of true economy, slavery the grave industrial blunder of the age, which they attacked.

The reason is obvious: a moral argument is always more forceful than an economic one when the issue is made up; profit and loss cannot weigh against right and wrong. Had slavery been wholly profitable, the Abolitionists would have made out their case against it.

But slavery as an issue before the American people in 1856 involved other issues: the greater including the less. There was the issue of sovereignty—that is, State Sovereignty or National Sovereignty: an issue which had not been settled since the formation of the Union. There was the issue of administration, namely, financial questions, industrial questions, transportation questions, which took the names tariff, free trade, internal improvements, banking, all questions of the administration of government rather than of the theory of government, yet all leading back to the nature of the government of the United States: Was it supreme? Was it limited in its powers? Were the States sovereign? Was the government of the United States a Compact between the States? Could a State withdraw from the Union? These questions, and many lesser ones, grouped themselves about the dominating issue of slavery. Men who favored slavery—that is the South and that part of the North which down to the election of Buchanan voted with the South—interpreted all other issues in a way that allowed themselves to remain as pro-slavery men: namely, along with slavery went State sovereignty and its consequences; along with anti-slavery went National sovereignty and its consequences. Yet, in 1856, thousands of men at the North voted for Buchanan and Breckenridge, not because they believed in State sovereignty and free trade, subjects which as yet did not in their opinion carry deep practical consequences; they voted the Democratic ticket to keep the peace; they believed that the Republicans were agitators, breakers of the peace, their doctrines tending to disunion and civil war; the Democratic party was a conservative party and it was the

conservative vote of the country which elected Buchanan. Slavery, so these conservatives believed, had the protection of the Constitution, the laws, the judicial decisions of the United States, and was an integral part of the institutional life of the country, not to be interfered with. Indeed, the attitude toward slavery among Northern Democrats in 1856 was quite like the present attitude of most Northern men toward the negro at the South: the South has the negro and must put up with him; the negro question is a Southern question; let the South settle it as best she can and to suit herself; it is none of our affair. So slavery in 1856 was a Southern question; let it alone; let the South manage her own domestic affairs. The conservative spirit of the American people responded to the traditions of law and government and the decisions of courts and chose to bear the ills it had rather than fly to others that it knew not of. Shortly after the election of Buchanan, the case of Dred Scott had its final hearing before the Supreme Court and a few days after the inauguration the decision was given to the world. All the United States was slave soil; slave property could be taken anywhere and must be protected by the whole power of government, State and National; a pro-slavery administration had been elected: slavocracy had again triumphed.

James Buchanan had been president little more than a year when an utterance came from the West which challenged the attention of thinking America. The Republicans had assembled and had named their candidate for United States senator, in June, at Springfield, the capital of the State; the work of the Convention was over, when the candidate, Abraham Lincoln, made the speech which cleared the issue of the hour of all obscurity, which set the pace of national thought, which disclosed the change going on in the state of mind which so long had ruled in American affairs, and which, it must also be said, alarmed Lincoln's followers and convinced many of them that he had committed an irretrievable political blunder.

"If we could first know where we are, and whither we are tending, we could better judge what to do, and how to do it. We are now far into the fifth year, since a policy was initiated with the avowed object and confident promise, of putting an end to slavery agitation. Under the operation of that policy, that agitation has not only not ceased, but has constantly augmented. In my opinion, it will not cease, until a crisis shall have been reached and passed. A house divided against itself cannot stand. I believe that this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect that it will cease to be divided. It will become all the one thing, or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward, till it shall become alike lawful in all the States, old as well as new—North as well as South."

He had uttered, voiced the situation in America, in plain and simple language that everybody could understand.

Having stated the principle, he proceeded to discuss its interpretation and application in recent events: the attempt at the nationalization of slavery by the Kansas-Nebraska Bill and by the Dred Scott decision; he examined them as results of pro-slavery aggression, and as steps toward the enthronement of slavery as a national institution. Ere long, he said, there would be another Supreme Court decision "declaring that the Constitution of the United States does not permit a State to exclude slavery from its limits. And this may especially be expected if the doctrine of 'care not whether slavery be voted down or voted up,' shall gain upon the public mind sufficiently to give promise that such a decision can be maintained when made."

"Our cause, then," he concluded, "must be entrusted to, and conducted by, its own undoubted friends—those whose hands are free, whose hearts are in the work—who do care

for the result. Two years ago the Republicans of the nation mustered over thirteen hundred thousand strong. We did this under the single impulse of resistance to a common danger, with every external circumstance against us. Of strange, discordant, even hostile elements, we gathered from the four winds, and formed and fought the battle through, under the constant hot fire of a disciplined, proud and pampered enemy. Did we brave all then to falter now?—now, when the same enemy is wavering, dissevered and bellicerent? The result is not doubtful. We shall not fail—if we stand firm, we shall not fail. Wise counsels may accelerate, or mistakes delay it, but, sooner or later, the victory is sure to come."

This was the voice calling men to political repentance. It was a new voice speaking the convictions of the heart. It was the voice of prophet and seer, the voice of one whom few men in the whole world would have discovered as the leader of a new age. The state of mind which had sustained slavery was changing in America and Lincoln had heralded the change.

From this time on, until the abolition of slavery, Abraham Lincoln is the first American. He had sounded the depths of that state of mind which so long had seemed unchangeable: "A house divided against itself cannot stand;" the Union would become "all the one thing, or all the other;" all slave or all free.

The debates with Senator Douglas which followed this speech, beginning at Chicago, with Douglas speaking and Lincoln present, on July 9th, and ending, with Douglas's rejoinder, Lincoln present, at Alton, on the 15th of October, brought Lincoln before the people of the country. The joint debate went over the whole ground of slavery extension and slavery limitation; no other speeches in American history possess a like interest or content of exposition of the issue. The difference between the men was in the cause each advocated: Lincoln, the limitation of slavery; Douglas, the let-alone policy toward it. In these speeches, twenty-one in

number, delivered in seven Illinois towns—made famous by them—are set forth the immediate causes of the Civil War; and yet, when all had been said and the joint debate closed at Alton, no more had been said than Lincoln had said just four months earlier to the Springfield Convention: "A house divided against itself cannot stand. I believe that this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect that it will cease to be divided. It will become all the one thing, or all the other. Either the opponents of slavery will arrest the further progress of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward, till it shall become alike lawful in all the States, old as well as new—North as well as South."

As the issue stood in 1858, the pro-slavery party, South and North, had the Constitution and the laws on its side, and the Supreme Court had spoken in its defense. For anti-slavery there was but one course—to change public opinion and ultimately thus to change the Constitution, to change the laws and to reverse pro-slavery judicial opinions. This was the programme which Lincoln advocated. It must be shown either that the Constitution had been perverted or that it was wrong; the new party must elect representatives in Congress; State Legislatures and through them United States senators, must elect a president and vice-president, and their successors, and through them change ultimately the membership of the Supreme Court: thus the Constitution would be given an anti-slavery meaning; anti-slavery laws would be passed and anti-slavery decisions handed down. But first, public opinion must be changed.

Of the men who had the ear of the public at the time, Lincoln was becoming first. His debates with Senator Douglas had made him known to all Americans and the opponents of slavery everywhere desired his presence and his counsel: in the campaign against slavery extension he was

the foremost speaker and as time has proved he delivered the greatest speech. After speaking in Ohio and Kansas he was invited East and was heard in Massachusetts, Connecticut and New York city. The immediate need of the new party, the Republican, was to place its ideas securely on constitutional ground, for in America no political party can be organized or kept together without this basis. And by the constitution is not meant that formal instrument or plan of government framed in Philadelphia in 1787, alone, but also the unwritten constitution, the administrable plan of government which is understood from time to time: for it is the unwritten constitution which expresses the state of mind in America that determines the color and conduct of public affairs.

At Cooper Institute, New York, on the 27th of February, 1860, Lincoln, in response to invitation spoke on the issues of the day and took for his text a remark uttered by Senator Douglas, at Columbus, Ohio, the autumn before, during the campaign:

"Our fathers, when they framed the government under which we live, understood this question just as well, and even better, than we do now."

Fully endorsing the Senator's assertion, Lincoln made it the starting-point for a discussion of the understanding of the fathers of this question: "Does the proper division of local from Federal authority, or anything in the Constitution, forbid our Federal government to control as to slavery in our Federal Territories?"

Passing by the element of morality, of economics, of politics, of climate, of expediency, as to slavery, Lincoln passed to the examination of the record of the fathers, they who framed the Constitution, on the question proposed. It was taking the issue to new ground; it was testing it by the record of those who had made the Supreme Law of the land; it was not a discussion of the constitutionality of slavery, for that had been settled; it was a discussion of an anterior question—whether the fathers who framed the

government under which we live and who understood this question of Federal control as to slavery better than they who came after them had disclosed their real sentiments by the records which they had made whenever the question had come before them.

Now as the creator comes before the thing created, so the framers of the Constitution were accredited with understanding of their handiwork: if history should disclose that the fathers, or a majority of them had gone on record against the control as to slavery by the Federal government, then the case of anti-slavery in 1860 would be by so much the weaker—lacking the support of the foremost statesmen of America.

This was the task which Lincoln set for himself in entering upon the Cooper Institute speech. He began at once with an examination of the record of each of the thirty-nine men who signed the Constitution of the United States. Three years before the Constitution the question of forbidding slavery in the Northwest Territory came before Congress and four of the thirty-nine were members of that Congress and voted—Roger Sherman, of Connecticut, Thomas Mifflin, of Pennsylvania, and Hugh Williamson, of North Carolina, voting for the prohibition; James McHenry, of Maryland, voting against it. Three years later, and at the time when the Constitution was in process of formation at Philadelphia, Congress, sitting in New York, passed the Ordinance of 1787 which prohibited slavery in that Territory; two of the thirty-nine were members of that Congress—William Blount, of Tennessee, and William Few, of Georgia, and both voted for the prohibition.

The question of Federal control as to slavery did not come up before the Federal Convention of 1787, and the attitude of its members was not recorded, therefore, toward it at that time.

In 1789, the first Congress under the Constitution enacted a law enforcing the Ordinance of 1787, including the anti-slavery clause in it. Thomas Fitzsimmons, of

Pennsylvania, one of the thirty-nine, reported the bill which passed without opposition, and in the Congress which passed it were sixteen of the thirty-nine: John Langdon, of New Hampshire, and Nicholas Gilman; William S. Johnson, of Connecticut, and Roger Sherman; Robert Morris, of Pennsylvania, and Thomas Fitzsimmons; William Few, of Georgia, and Abraham Baldwin; Rufus King, of Massachusetts; William Paterson, of New Jersey; George Clymer, of Pennsylvania; Richard Bassett and George Read, of Delaware; Daniel Carroll, of Maryland; James Madison, of Virginia, and Pierce Butler, of South Carolina. George Washington, also one of the thirty-nine, was president of the United States, and he approved the measure by signing it.

In 1798, Congress organized the Territory of Mississippi and forbade the bringing of slaves into it from outside of the United States. The act passed both houses without opposition. Three of the thirty-nine were members of this Congress, John Langdon, George Read, and Abraham Baldwin, who probably voted for the measure, or their opposition would have been recorded.

In 1804, Congress organized the Louisiana Territory, forbade the importation of slaves into it from foreign parts and forbade the slave trade in it. The bill passed without ayes and nays. Abraham Baldwin and Jonathan Dayton, of New Jersey, were members of this Congress and probably voted for the bill, no evidence to the contrary existing.

In 1820, the Missouri Compromise placed limitations on slavery; Rufus King and Charles Pinckney, of South Carolina, were members of Congress at the time; King voted for the compromise, Pinckney as steadily against it; thus, on the question of Federal control as to slavery, voting from 1784 to 1829, twenty-three of the thirty-nine signers of the Constitution recorded themselves as in favor of such control, "a clear majority of the whole certainly understood that no proper division of local from Federal authority, nor any part of the Constitution forbade the Federal government to

control slavery in the Federal Territories, while all the rest had probably the same understanding."

Lincoln then took up the Dred Scott decision. The Supreme Court planted itself on the fifth amendment; Senator Douglas and his adherents planted themselves on the tenth amendment, which provides that the powers not delegated to the United States are reserved to the States respectively, or to the people. "But," said Lincoln, "these amendments were framed by the first Congress, the one which passed the act enforcing the prohibition of slavery in the Northwest Territory. The seventy-six members of that Congress included sixteen of the framers of the Constitution. Was it consistent that the amendments and the Ordinance, framed by the same Congress and by the same men were inconsistent with each other?" And he defied any one to show that prior to 1800 any proper division of local from Federal authority forbade the Federal government to control slavery in Federal Territories.

But there was peril, there was revolution, along the way on which Lincoln was leading his hearers. He saw clearly whither he was leading and gave warning:

"Now, and here, let me guard against being misunderstood. I do not mean to say we are bound to follow implicitly in whatever our fathers did. To do so would be to discard all the lights of current experience—to reject all progress, all improvement. What I do say is that if we would supplant the opinions and policy of our fathers in any case, we should do so upon evidence so conclusive, and argument so clear, that even their great authority, fairly considered and weighed, cannot stand; and most surely not in a case whereof we ourselves declare they understood the question better than we." Thus he put the burden of proof upon Senator Douglas and the slavery-extension party and put the new party, the Republican, on the ground which the majority of the fathers had held. Having thus given the Republican party and its principles a standing with the fathers of the republic, he took up the issue further.

That the new party was not sectional, but national in principle and that it was not the fault of the principles that members of it were not found outside the North.

The pro-slavery party called itself conservative and called the anti-slavery party destructive, revolutionary: yet the pro-slavery party "with one accord reject, and scout and spit upon that old policy" of the fathers.

"Again, you say we have made the slavery question more prominent than it formerly was. We deny it. We admit that it is more prominent, but we deny that we made it so. It was not we, but you, who discarded the old policy of the fathers. We resisted, and still resist, your innovation; and thence comes the greater prominence of the question. Would you have that question reduced to its former proportions? Go back to that old policy. What has been will be again, under the same conditions. If you would have the peace of the old times, readopt the precepts and policy of the old times." Denying then, the truth of the charge that the Republican party had in any way been implicated in the John Brown raid, but affirming the belief of the party that slavery is wrong, he took up the question of slavery restriction.

"In the language of Mr. Jefferson, uttered many years ago, 'It is still in our power to direct the process of emancipation and deportation peaceably, and in such slow degrees, as that the evil will wear off insensibly; and their places be, *pari passu*, filled up by free white laborers. If on the contrary, it is left to force itself on, human nature must shudder at the prospect held up.'

"Mr. Jefferson did not mean to say, nor do I, that the power of emancipation is in the Federal government. He spoke of Virginia; and, as to the power of emancipation, I speak of the slaveholding States only. The Federal government, however, as we insist, has the power of restraining the extension of the institution—the power to insure that a slave insurrection shall never occur on any American soil which is now free from slavery.

"John Brown's effort was peculiar. It was not a slave insurrection. It was an attempt by white men to get up a revolt among slaves, in which the slaves refused to participate. In fact, it was so absurd that the slaves, with all their ignorance, saw plainly enough it could not succeed. . . . Human action can be modified to some extent, but human nature cannot be changed. There is a judgment and a feeling against slavery in this nation, which cast at least a million and a half of votes. You cannot destroy that judgment and feeling—that sentiment—by breaking up the political organization which rallies round it. You can scarcely scatter and disperse an army which has formed into order in the face of your heaviest fire; but if you could, how much would you gain by forcing the sentiment which created it out of the peaceful channel of the ballot-box into some other channel? Would the number of John Browns be lessened or enlarged by the operation?

"But you will break up the Union rather than submit to a denial of your constitutional rights.

"That has a somewhat reckless sound; but it would be palliated, if not fully justified, were we proposing, by the mere force of numbers, to deprive you of some right plainly written down in the Constitution. But we are proposing no such thing.

"When you make these declarations you have a specific and well-understood allusion to an assumed constitutional right of yours to take slaves into the Federal Territories, and to hold them there as property. But no such right is specifically written in the Constitution. We, on the contrary, deny that such a right has any existence in the Constitution, even by implication.

"Your purpose then, plainly stated, is that you will destroy the government, unless you be allowed to construe and force the Constitution as you please, on all points in dispute between you and us. You will rule or ruin in all events.

"Perhaps you will say, the Supreme Court has decided the disputed constitutional question in your favor. Not quite

so. But waiving the lawyer's distinction between *dictum* and decision, the court has decided the question for you in a sort of way. The court has substantially said, it is your constitutional right to take slaves into the Federal Territories, and to hold them there as property. When I say the decision was made in a sort of way, I mean that it was made in a divided court, by a bare majority of the judges, and they not quite agreeing with one another in the reasons for making it; that it is so made that its avowed supporters disagree with one another about its meaning, and that it was mainly based upon a mistaken statement of fact —the statement in the opinion that 'the right of property in a slave is distinctly and expressly affirmed in the Constitution.'

"An inspection of the Constitution will show that the right of property in a slave is not 'distinctly and expressly' affirmed in it. Bear in mind, the judges do not pledge their judicial opinion that such right is impliedly affirmed in the Constitution; but they pledge their veracity that it is 'distinctly and expressly' affirmed there—'distinctly,' that is, not mingled with anything else—'expressly,' that is, in words meaning just that, without the aid of any inference and susceptible of no other meaning.

"If they had only pledged their judicial opinion that such right is affirmed in the instrument by implication, it would be open to others to show that neither the word 'slave' nor 'slavery' is to be found in the Constitution, nor the word 'property,' even, in any connection with language alluding to the things slave, or slavery; and that wherever in that instrument the slave is alluded to, he is called a 'person'; and wherever his master's legal right in relation to him is alluded to, it is spoken of as 'service or labor which may be due'—as a debt payable in service or labor. Also it would be open to show by contemporaneous history, that this mode of alluding to slaves and slavery, instead of speaking of them, was employed on purpose to exclude from the Constitution the idea that there could be property in man.

"When this obvious mistake of the judges shall be brought to their notice, is it not reasonable to expect that they will withdraw the mistaken statement, and reconsider the conclusion based upon it?

"And then it is to be remembered that 'our fathers who framed the government under which we live'—the men who made the Constitution—decided this same constitutional question in our favor long ago; decided it without division among themselves when making the decision; without division among themselves about the meaning of it after it was made, and, so far as any evidence is left, without basing it upon any mistaken statement of facts.

"Under all these circumstances, do you really feel yourselves justified to break up this government unless such a court decision as yours is shall be at once submitted to as a conclusive and final rule of political action? But you will not abide the election of a Republican president! In that supposed event, you say, you will destroy the Union; and then, you say, the great crime of having destroyed it will be upon us. That is cool. A highwayman holds a pistol to my ear, and mutters through his teeth, 'Stand and deliver, or I shall kill you, and then you will be a murderer.'

"It is exceedingly desirable that all parts of this great Confederacy shall be at peace, and in harmony, one with another.

"Will (the Southern people) be satisfied if the Territories be unconditionally surrendered to them? We know they will not. In all their present complaints against us, the Territories are scarcely mentioned.

"The question recurs, What will satisfy them? Simply this: we must not only let them alone, but we must somehow convince them that we do let them alone. This, we know by experience, is no easy task. We have been so trying to convince them from the very beginning of our organization (1854-55) but with no success. In all our platforms and speeches we have constantly protested our purpose to let them alone; but this has had no tendency to convince them.

"These natural and apparently adequate means all failing, what will convince them? This, and this only: cease to call slavery wrong, and join them in calling it right. All this must be done thoroughly—done in acts as well as in words. Silence will not be tolerated—we must place ourselves avowedly with them. Senator Douglas's new sedition law must be enacted and enforced, suppressing all declarations that slavery is wrong, whether made in politics, in presses, in pulpits or in private. We must arrest and return their fugitive slaves with greedy pleasure. We must pull down our free-State constitutions. The whole atmosphere must be disinfected from all taint of opposition to slavery, before they will cease to believe that all their troubles proceed from us.

"I am quite aware that they do not state their case precisely this way. Most of them would probably say to us, 'Let us alone; do nothing to us, and say what you please about slavery.' But we do let them alone—have never disturbed them—so that, after all, it is what we say which dissatisfies them. They will continue to accuse us of doing, until we cease saying.

"I am also aware they have not as yet in terms demanded the overthrow of our free-State constitutions. Yet those constitutions declare the wrong of slavery with more solemn emphasis than do all other sayings against it; and when all these other sayings shall have been silenced, the overthrow of these constitutions will be demanded, and nothing be left to resist the demand. It is nothing to the contrary that they do not demand the whole of this just now. Demanding what they do, and for the reason they do, they can voluntarily stop nowhere short of this consummation. Holding, as they do, that slavery is morally right and socially elevating, they cannot cease to demand a full national recognition of it as a legal right and a social blessing.

"Nor can we justifiably withhold this on any ground save our conviction that slavery is wrong. If slavery is right, all words, acts, laws and constitutions against it are themselves

wrong, and should be silenced and swept away. If it is right, we cannot justly object to its nationality, its universality; if it is wrong, they cannot justly insist upon its extension, its enlargement. All they ask we could readily grant, if we thought slavery right; all we ask they could as readily grant, if they thought slavery wrong. Their thinking it right and our thinking it wrong is the precise fact upon which depends the whole controversy. Thinking it right as they do, they are not to blame for desiring its full recognition as being right; but thinking it wrong as we do, can we yield to them? Can we cast our votes with their view, and against our own? In view of our moral, social, and political responsibilities, can we do this?

"Wrong as we think slavery is, we can yet afford to let it alone where it is, because that much is due to the necessity arising from its actual presence in the nation; but can we, while our votes will prevent it, allow it to spread into the national Territories, and to overrun us here in these free States? If our sense of duty forbids this, then let us stand by our duty fearlessly and effectively. Let us be diverted by none of those sophistical contrivances wherewith we are so industriously plied and belabored—contrivances such as groping for some middle ground between the right and the wrong: vain as the search for a man who should be neither a living man nor a dead man; such a policy of 'don't care' on a question about which all true men do care; such as Union appeals beseeching true Union men to yield to Disunionists, reversing the divine rule, and calling, not the sinners, but the righteous to repentance; such as invocations to Washington, imploring men to unsay what Washington said and undo what Washington did.

"Neither let us be slandered from our duty by false accusations against us, nor frightened from it by menaces of destruction to the government, nor of dungeons to ourselves. Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it."

There is no need of looking further for a statement of the issue in 1860:

"Their (the South) thinking it (slavery) right and our (the North) thinking it wrong is the precise fact upon which depends the whole controversy."

A new state of mind was forming in the Nation incompatible with the state which had made slavery the dominant power in the Nation.

The Cooper Institute speech was the culmination of that series which Lincoln began at Springfield, Illinois, two years before, with the utterance, "A house divided against itself cannot stand. I believe that this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all the one thing or all the other." The speech was an effort to put the new party, the Republican, on constitutional ground, in its attitude toward Federal control of slavery. Lincoln would prove that the principles of the fathers were the principles of the new party and that they who supported it were simply returning to first principles. He sought to prove that the slavery extension party was violating those principles; that that party was the aggressor.

Neither this speech nor any of Lincoln's earlier ones advocated the abolition of slavery in the slaveholding States. Lincoln at this time was not an abolitionist but a restrictionist of slavery, and rested the justice of his cause on the principles of the fathers as to Federal control over slavery. The conclusion, both from assertion and implication, from the Cooper Institute speech was the unconstitutionality of slavery on Federal soil, whence his bold suggestion that the Dred Scott decision might be reversed because of a mistaken statement of facts. The trend of his argument favored the belief that it was the intention of the founders of the government—and he established proof of the intention of twenty-three of the thirty-nine signers of the Constitution—to restrict and limit slavery: and as it is the intention which

explains all human action, the inference was easy and immediate that the makers of the Constitution intended to limit the spread of slavery by Federal control of it on Federal soil. Lincoln did not attack slavery in the slave States: "Wrong as we think slavery is, we can yet afford to let it alone where it is, because that much is due to the necessity arising from its actual presence in the nation; but can we, while our votes will prevent it, allow it to spread into the national Territories, and to overrun us here in these free States?"

The contrast was complete: the South was accusing anti-slavery of attacking and threatening to overrun the slave States; the North was accusing pro-slavery of attacking and seeking to overrun the free States. The issue was formed.

Lincoln's advocacy of the reversal of the Dred Scott decision expressed the conviction of the new party, whose claims to constitutional ground he put forth at Cooper Institute. In December preceding, before the Legislature of Kentucky, John C. Breckenridge, vice-president of the United States, discussed the Dred Scott decision. After speaking of the repeal of the Missouri Compromise and the passing of the Kansas-Nebraska bill, he said:

"The Abolition, or quasi Abolition, party of the United States were constantly contending that it was the right of Congress to prohibit slavery in the common Territories of the Union. The Democratic party, aided by most of the gentlemen from the South, took the opposite view of the case. Our object was, if possible, to withdraw that question from the halls of Congress, and place it where it would no longer risk the public welfare and the public interest. . . . There was a point upon which we could not agree. A considerable portion of the Northern Democracy held that slavery was in derogation of common right, and could only exist by force of positive law. They contended that the Constitution did not furnish that law, and that the slave-holder could not go into the Territories with his slaves with the Constitution to authorize him in holding his slaves as property, or to protect him. The South generally, without

distinction of party, held the opposite view. They held that the citizens of all the States may go with whatever was recognized by the Constitution as property, and enjoy it. That did not seem to be denied to any article of property except slaves. Accordingly, the (Kansas-Nebraska) bill contained the provision that any question in reference to slavery should be referred to the courts of the United States, and the understanding was that, whatever the judicial decision should be, it would be binding upon all parties, not only by virtue of the agreement, but under the obligation of the citizen, to respect the authority of the legally constituted courts of the country. . . . We had confidence in our own view of our rights. Our Northern friends had their views. It was a paradoxical question, and we gave it to the courts.

"Well, the courts did decide the very question which had been submitted to them, not upon a case from Kansas, but in another case (*Dred Scott*). . . . The view that we in the Southern States took of it was sustained—that in the Territories, the common property of the Union, pending their Territorial condition, neither Congress nor the Territorial government had the power to confiscate any description of property recognized in the States of the Union. The court drew no distinction between slaves and other property. It is true some foreign philanthropists and some foreign writers do undertake to draw this distinction, but these distinctions have nothing to do with our system of government. Our government rests not upon the speculations of philanthropic writers, but upon the plain understanding of a written Constitution which determines it, and upon that alone. It is the result of positive law; therefore we are not to look to the analogy of the supposed law of nations, but to regard the Constitution itself, which is the written expression of the respective powers of the government and the rights of the States.

"Well, that being the case, and it having been authoritatively determined by the very tribunal to which it was referred, that Congress had no power to exclude slavery

from the Territories, and judicially determined that the Territorial Legislatures, authorities created by Congress, had not the power to exclude or confiscate slave property, I confess that I had not anticipated that the doctrine of 'unfriendly legislation' would be set up. Hence I need not say to you that I do not believe in the doctrine of unfriendly legislation; that I do not believe in the authority of the Territorial Legislatures to do by indirection what they cannot do directly. I repose upon the decision of the Supreme Court of the United States, as to the point that neither Congress nor the Territorial Legislature has the right to obstruct or confiscate the property of any citizen, slaves included, pending the Territorial condition. I do not see any escape from that decision, if you admit that the decision was a judicial one; if you admit the decision of the Supreme Court; and if you stand by the decision of the highest court of the country. The Supreme Court seems to have recognized it as the duty—as the duty—of the courts of this Union in their proper sphere to execute this constitutional right, thus adjudicated by the Supreme Court, in the following language: 'The judicial department is also bound . . . to maintain in the Territory . . . the political rights and rights of property of individual citizens as secured by the Constitution.' So that, as in regard to slave property, as in regard to any other property recognized and guarded by the Constitution, it is the duty, according to the Supreme Court, of all the courts of the country to protect and guard it by their decisions, whenever the question is brought before them. To which I will only add this—that the judicial decision in our favor must be maintained—these judicial decisions in our favor must be sustained."

Here, then, in the utterances of the vice-president of the United States and of Lincoln may be found a statement of the issue as to slavery:

The vice-president, following the language of the Constitution of Kentucky at the time, declared slaves a form of

property; Lincoln declared that neither the word slave nor property as descriptive of a slave could be found in the Constitution of the United States.

The vice-president asserted the right of any citizen, under the Constitution, the laws of Congress and the decision of the Supreme Court, to take slave property into a Territory and to have there adequate protection of that property; Lincoln attacked this interpretation of the Constitution by Congress and the Court as violative of the principles on which the Constitution was framed, basing his attack on the record of the majority of the thirty-nine who signed the Constitution in their official vote for Federal control over slavery in Federal Territories.

The vice-president declared that the judicial decision in the Dred Scott case was in favor of the South and that it must be sustained; Lincoln demanded the reversal of the decision.

The slavery issue—exclusion of slavery from the Territories or extension of slavery over them—was the issue when in May, at Chicago, the Republicans assembled in convention to name candidates for president and vice-president. The speeches of Lincoln, since that on the house divided against itself, made him a presidential candidate, and the assembling of the convention at Chicago strengthened his chances of nomination, which were further strengthened by jealousies and antagonisms among the leaders of the party: Seward, Weed, Greeley, Simon Cameron, Salmon P. Chase and their followers. Lincoln stood for the West and it was in the West, in Kansas, that slavery and anti-slavery first faced each other on the battle line; the two civilizations first met, hostile, in Kansas in 1854 and now for six years Kansas had been "bleeding." The West was anti-slavery to the fighting point, the East to the talking point. The West was largely peopled by Germans and Englishmen, by Irishmen and by Canadians who had come into the country with no traditions in favor of slavery. They had no time to waste over trying to untie the Gordian knot; they cut it with the

sword. Lincoln's utterances on slavery are marvellous because of their restraint. They must be interpreted in the light of the man's parentage and early life and the harsh surroundings which had helped to make him the gentlest of men. He was the prophet of a moral order and felt the prophet's inspiration; he had a call to duty; he felt it, he knew it, and he made other men feel it and know it. When the Chicago Convention nominated him for president it had framed the platform of the party in strict accordance with the principles which he had advocated in all his speeches from that at Springfield, in June, 1858, on the divided house, to that at Cooper Institute, in February, 1860, only three months before his nomination—on the return to the principles of the fathers respecting slavery:

The Nation owed its prosperity to the Union.

The right of each State to order and control its own domestic institutions according to its own judgment should be maintained inviolate, being essential to the balance of power upon which the endurance of the republic depended.

The dogma that the Constitution of its own force carried slavery into any or all the Territories was heresy.

The normal condition of all the territory of the United States is that of freedom; Congress has no authority to give legal existence to slavery in any Territory.

The pro-slavery party was divided. One faction nominated John C. Breckenridge, of Kentucky, whose opinion on Dred Scott has just been given, for president, and Joseph Lane, of Oregon, for vice-president, at Baltimore, in June, on a platform which declared:

That the government of a Territory organized by an act of Congress is provisional and temporary, and during its existence all citizens of the United States have an equal right to settle with their property in the Territory, without their rights, either of person or property, being destroyed or impaired by Congressional or Territorial legislation.

It is the duty of the Federal government, in all its departments, to protect, when necessary, the rights of persons and

property in the Territories, and wherever else its constitutional authority extends.

When the settlers in a Territory, having an adequate population, form a State constitution, the right of sovereignty commences, and, being consummated by admission into the Union, they stand on an equal footing with the people of the other States; and the State thus organized ought to be admitted into the Federal Union, whether its constitution prohibits or recognizes the institution of slavery.

The Democratic party was the first to meet in convention, assembling at Charleston, South Carolina, on the 23d of April: there was the Douglas wing; there was the Breckenridge wing; and it was soon discovered that their factional differences could not be healed over. At Charleston every delegate was for Douglas or against him. He had fought the battles of Democracy all his life and was the most popular man in the party; but he stood for an idea to which the South was hostile. Vice-President Breckenridge had pronounced against that idea in his address to the Kentucky Legislature when he pronounced his hostility to "unfriendly legislation" in the Territories. Douglas advocated the doctrine that the fate of slavery should depend upon the will of the people of the Territory, whence it followed that unfriendly Territorial legislation might undo all that Congress and the Supreme Court had done for slavery: slavery—the South demanded—must be protected in the Territories. The issue of the South with Douglas was clear. It soon became manifest that no unanimous report on the platform could be hoped for at Charleston. The majority report planted itself squarely on two propositions:

The property-right theory of slavery;

The right and necessity of Congressional protection of slavery everywhere.

Otherwise Territorial legislatures would decide the question of slavery (the Douglas doctrine) and the South would be excluded from the Territories. Douglas's doctrine would permit a cordon of free States across the country by which

slavery would be hemmed in; not the Territorial legislature but the people of the Territory when they formed their State constitution should settle the question of slavery. Of course, the obvious conclusion was that as Congress could not limit slavery, constitutionally, under the decision in Dred Scott, an anti-slavery constitution from a Territorial community asking admission into the Union would meet with obstacles, but they were the obstacles which the South demanded.

The minority report placed the entire question at issue with the Supreme Court. In the debate which followed, William L. Yancey, of Alabama, "was the brain and soul and irrepressible champion of the pro-slavery reaction throughout the Cotton States. He was tireless and ubiquitous; travelling, talking, writing, lecturing, animating every intrigue, directing every caucus, making speeches, and drafting platforms at every convention. To defend, propagate, and perpetuate African slavery was his mission. He was the ultra of ultras, accepting the institution as morally right and divinely sanctioned, desiring its extension and inclined to favor, though not then himself advocating the re-opening of the African slave-trade. He held that all Federal laws prohibiting such trade ought to be repealed so that each State might decide the question for itself."

He and his colleagues had come to Charleston with a programme which they now proceeded to execute, and Northern delegates for the first time were face to face with the advocates and plotters of secession. It was now that Yancey assured his listeners that he and his Alabama colleagues were "not disunionists per se." The substance of his speech was that the time had come for the South to act; he supported the majority report. But the Democratic party was at that moment hopelessly disrupted. Senator Pugh, of Ohio, who had presented the minority (Douglas) report plainly told the disruptionists, "You mistake us; we will not yield to your demands." Finally, the minority report was substituted for that of the majority by a vote of 165 to 138. Led by Yancey and his Alabama colleagues,

the delegates from the other Cotton States seceded from the convention, and later in the day, amidst bonfires and jubilation, Yancey prophesied, in a speech in Court-House Square, that "perhaps even now the pen of the historian is nibbed to write the story of a new revolution." On reassembling, the Douglas men attempted to nominate their leader. Fifty-seven ballots were cast, but Douglas was defeated by the "two-thirds' rule:" 202 votes being necessary for a choice and Douglas at no ballot rising above 152½. The Convention adjourned on May 10th to reassemble in Baltimore on June 18th. The seceders, after organizing in St. Andrew's Hall and listening to enthusiastic speeches, adjourned to meet in Richmond on June 11th.

Shortly before the reassembling of the Convention at Baltimore, an address appeared, signed by Jefferson Davis, Robert Toombs, Alfred Iverson, of Georgia, Benjamin Slidell, James M. Mason, of Virginia, Judah P. Benjamin and some fourteen other Southerners which declared approval of the withdrawal of the Cotton States from the Charleston Convention as a manifestation of adherence to principles "rising superior to all considerations of expediency, to all trammels of party, and looking with an eye single to the defense of the constitutional rights of the States." The seceders should come to Baltimore and seek to effect a reconciliation. A satisfactory platform at Baltimore would remove all occasion of dissension. If the Baltimore Convention failed to satisfy "just expectations," then the delegates from the remaining Democratic States would unite with the seceders at Richmond, and with the help of Pennsylvania alone elect the Democratic candidates. The pro-slavery States would thus, with the help of Pennsylvania, succeed. But the programme to be carried out at Baltimore meant the supremacy of the South and the dominance of the property theory of slavery and of the protection of slavery by Federal authority.

The Baltimore Convention was in its fifth day when it disrupted, the delegates from the remaining slave States and

from California mostly withdrawing, and the convention quickly nominated Douglas for president. The seceders as speedily and unanimously nominated Breckenridge and Lane. The Douglas platform declared that the party would "abide by the decisions of the Supreme Court on the questions of constitutional law": thus resting on the decision in the Dred Scott case.

On the 19th of May, at Baltimore, another convention composed of delegates who represented moderate pro-slavery men throughout the Union nominated John Bell, of Tennessee, for president, and Edward Everett, of Massachusetts, for vice-president, on a platform which "recognized no other principles than the Constitution of the Country, the Union of the States, and the enforcement of the Laws."

Thus when parties had spoken and candidates were named, Breckenridge and Lane stood for an aggressive pro-slavery policy; Lincoln and Hamlin for a defensive slavery-limitation, and Bell and Everett for the *statu quo*. The Republicans declared slavery wrong, would limit it to the slaveholding States and pronounced it a local institution. The Douglas Democrats were indifferent to the right or wrong of slavery and to its extension or restriction; the people of a Territory should decide its existence in a new State and the Supreme Court all questions of constitutional law which it raised. The Breckenridge Democrats pronounced slavery right and beneficial to the country; it should be protected in new Territories and perpetuate itself, to which end the party advocated the immediate acquisition of Cuba. The balance of power in the Senate between slave and free States should be maintained. The Constitutional Unionists were neither positive nor negative toward slavery but demanded only the execution of the laws. Each nominee presently declared himself devoted to the Union and the campaign began. The gulf between the Douglas and Breckenridge wings of the Democratic party widened as the canvass proceeded and with the pro-slavery forces thus divided, Lincoln's election was presaged from the beginning. At

the election, November 6th, Lincoln received 1,865,913 popular votes and 180 electoral votes—the support of all the free States except New Jersey, in which he received four electoral votes and Douglas three. Douglas received the nine electoral votes of Missouri—twelve in all, and a popular vote of 1,374,664. Kentucky, Tennessee and Virginia supported Bell and Everett, giving them 39 electoral votes, their popular vote throughout the country being 591,900. The twelve remaining slave States gave 72 electoral votes to Breckenridge and Lane—their popular vote in the country aggregating 848,404. Thus had all the electoral votes given to Breckenridge, Bell and Douglas been concentrated upon either of them, Lincoln would still have been elected.

When news of his election reached Charleston, South Carolina, signs of disapproval and resentment were immediately forthcoming and the talk of the street was of secession. The Revolution of '76, as many believed, was repeating itself; the North was the new England; the South was in the situation of the Thirteen Colonies. Independence alone would remedy the evils of which complaint was made. Presidential electors in South Carolina were, at this time, chosen by the Legislature, and though they had been chosen the Legislature had not adjourned. An irrepressible conflict was confidently expected. Should a convention be summoned? The people of Charleston, acting through representative citizens demanded it and on November 10th, the Legislature unanimously enacted a law summoning a Convention to be held on December 17th, which should examine into and consider the relations between South Carolina "the Northern States and the Government of the United States." The decision of the Legislature was received with rejoicings. Nor was there doubt of the issue involved: it was the "institution" of the South. November 21st was set apart as a day for fasting and prayer. The clergy assured their listeners that Providence approved the course the State was taking. "Charleston and South Carolina people," writes the

historian Rhodes, "felt that secession was no longer a choice, but a necessity; that they had submitted to as much aggression from the North as a free people could endure and preserve their liberties. It is a striking evidence of the mutual misunderstanding between the two sections that, while eleven-twelfths of the Northern voters thought the South had lorded it over the North since the annexation of Texas, South Carolinians, almost to a man, and the majority of the men of the Cotton States, were equally convinced that they suffered grievous wrongs from the North. This sentiment was now strong in South Carolina. When her people acknowledged the greater prosperity of the North, they asserted that it had been obtained at the expense of the South by protective tariffs. In the event of separation, the South Carolinians had dreams of unrestricted trade with Europe, which would redound to the advantage of their agricultural interests, and would make Charleston rival Boston and New York in commercial importance."

The thought of the Carolinians was of immediate secession, not only as of choice but as of necessity. At the North some doubted, but the majority of the plain people who heard of the agitation in Charleston considered it, if they considered it at all, only as the ebullition of feelings common at times of presidential elections.

General Scott, the head of the army, advised President Buchanan to put the forts in the Southern States in a condition of defense so that none could be taken by surprise. Buchanan did nothing. He was a pro-slavery man; he owed his election to Southern votes; at least three members of his Cabinet were disunion men—John B. Floyd, of Virginia, secretary of war; Jacob Thompson, of Mississippi, a hold-over from Pierce's Cabinet, secretary of the interior, and Howell Cobb, of Georgia, secretary of the treasury—who did not hesitate to support secession in the Cabinet discussions. Major Robert Anderson, in command of Fort Moultrie, in Charleston harbor, advised the reinforcement of the garrison and the immediate garrisoning of Fort Sumter

and Castle Pinckney if the government purposed holding them. The president took no action. He was preparing his last annual message, to which, when he read the original draft to the Cabinet, Thompson and Cobb objected because it denied the right of secession. He denied that the South had cause for precipitating a revolution; the troops in the Charleston forts would act on the defensive; their assailants would be responsible for consequences. But Congress had no right to coerce a State. The president faltered; *non possumus*, that was his policy. But even had he acted, secession would have gone on and his action, mild or aggressive, would only have accelerated it. But his message pleased nobody, North or South. He was in the most cruel of positions which a president has been fated to occupy and right or wrong, the judgment of his countrymen is that he was a weak, vacillating man. Meanwhile secession progressed at the South.

The new party which had won at the polls was not seriously conscious of the magnitude of the crisis at hand. Perhaps no Northern man was able at that moment to compass the situation. Republicans asked that acquiescence in the will of the majority which other victorious parties had received. Resistance to law provokes the hostility of a conservative people. All Republicans agreed in execrating Buchanan: he at least should execute the laws. Horace Greeley, in the *Tribune*, admitted the right of secession; the Cotton States should be suffered to go in peace; coercion was out of the question; the two sections of the Union could not be pinned together by bayonets. But this opinion though coming from one of the foremost Republicans was not the conviction of the rank and file of the party: thousands of men considered it as only one of Greeley's aberrations. There was still another opinion, which advocated coercion, but this course involved difficulties, and, moreover, who was to carry out such a policy? Coercion meant war, and the Republican party had all along asserted its pacific intentions.

But opinion gradually shifted round to the old remedy, compromise. The elements were at hand: the Fugitive Slave Law of 1850, obnoxious to the North; the Personal Liberty Laws of the Free States, obnoxious to the South; but could a compromise be patched up out of these and settle the hitherto unsettled question of slavery in the Territories? Slavery extension, slavery limitation? Should history ultimately record the Compromise of 1860?

This was the situation when Congress met in December, but directly the Republicans mentioned the possibility of a compromise—the repeal of Personal Liberty Bills and the promise of the North to protect slave property—Southern senators and representatives assured them that the tide of revolution was rising and that it could not be stayed. Nothing short of the surrender which Lincoln had referred to in his Cooper Institute speech would satisfy the South: that the North should not only admit the rightfulness of slavery but advocate it; not merely tolerate slavery but work for its extension. The nationalization of slavery, nothing else, would satisfy the South.

But the scheme of working out a compromise appealed to Congress and several solutions were immediately projected. The venerable John J. Crittenden, senator from Kentucky, an old Whig and political successor to Henry Clay, trusted in by all parties, introduced, on the 18th of December, an article in amendment of the Constitution. The old Missouri Compromise line, $36^{\circ} 30'$, should divide free soil from slave soil in the future; in all Territories and States south of that line slave property should be protected by Congress; new States either to the south or to the north of the line should be free or slave as their people should elect. The resolution suggests that its author was trying to set back the hands of the political clock.

On the same day the Senate provided for, and on the 20th, the vice-president named a Committee of Thirteen to consider all grievances between free States and slave. Three of the senators, Powell and Crittenden, of Kentucky, and

Hunter, of Virginia, were from the border States; two, Toombs, of Georgia, and Davis, of Mississippi, from the Cotton States; three were Northern Democrats, Douglas, of Illinois, Collamer, of Vermont, and Bigler, of Pennsylvania; five, Seward, of New York, Wade, of Ohio, Rice, of Minnesota, Doolittle, of Wisconsin, and Grimes, of Iowa, were Republicans. Before this committee the Crittenden amendment was discussed; the Republican members, together with Davis and Toombs, voted down the provision for settling the question of slavery in the Territories, and this unsettled, all was practically unsettled. To favor a constitutional amendment which should give over new Territories to slavery would be a repudiation of the principles of the Republican platform on which they had gone to the country and, as Lincoln wrote to John A. Gilmer, of North Carolina, December 15th, tendering him a Cabinet position, "On the territorial question I am inflexible. On that there is a difference between you and us; and it is the only substantial difference. You think slavery is right and ought to be extended; we think it is wrong and ought to be restricted."

Seward had accepted Lincoln's invitation to become secretary of state. It is presumable that he was in sympathy with Lincoln's decision as to slavery extension; the refusal of the Republican senators to favor this element in the Crittenden amendment may be attributed to the same cause which would make Lincoln oppose it had he been a member of the Committee of Thirteen. Much has been written in criticism of the refusal of the Republicans to support the Crittenden amendment. They could not support it and be Republicans; that, it seems to me, settled the question with them. Whether the addition of such an amendment would have held secession off for a time, or prevented it, may be doubted. The Southern leaders had already made up their minds and their decision was such that had the resolution become a part of the Constitution, they would soon have complained of Northern violation of the amendment as they

had all along complained of Northern violation of the Constitution which it sought to amend. There always is a "peace at any price" group or party, which suddenly becomes active on the eve of revolutions, but history fails to record any lasting triumph or permanent relief which such amiable men have ever been the means of giving to their country. Belief in the right and power of the Federal government to control as to slavery in Federal territory had regulated Lincoln's political conduct throughout his career, first finding its expression in the Stone-Lincoln protest to the Illinois Legislature, in March, 1837. That protest and the Cooper Institute speech rested on the same principle, and Lincoln could not now stultify his record and ignore the basic principle of the Republican party by consenting to a constitutional amendment which should open Federal territory to slavery. But many voters who had stood with the party at the election of Lincoln were already allowing themselves to be swept off their feet by the reflux which was following the victory for slavery limitation and would now have been equally enthusiastic had the Crittenden resolutions, and the constitutional amendment projected on them, passed. Public opinion was in a state of flux. Seward and the Republican members of the Committee of Thirteen were willing to compromise the issue by a constitutional amendment that should forbid Congress to abolish or interfere with slavery in the States—the counterbalancing elements of compromise being a Fugitive Slave law that granted jury trial to the fugitive, and a Congressional recommendation to the States to repeal their Personal Liberty laws.

On December 6th, the House of Representatives had appointed a Committee of Thirty-three to consider pending issues and if possible bring in remedial legislation. The more excitable members from the South were already declaring all hopes of compromise at an end. On the 14th seven senators and twenty-three representatives from slave States united in signing and publishing a manifesto in which they declared: "We are satisfied the honor, safety, and independence

of the Southern people require the organization of a Southern Confederacy—a result to be obtained only by separate State secession." Among the signers were Jefferson Davis, Slidell, Benjamin and Wigfall; Virginia and the border States were not represented. At this time Lincoln was in correspondence with Alexander H. Stephens, of Georgia, and on December 22d wrote: "Do the people of the South really entertain fears that a Republican administration would directly or indirectly interfere with their slaves or with them about their slaves? If they do, I wish to assure you . . . that there is no cause for such fears. The South would be in no more danger in this respect than it was in the days of Washington. I suppose, however, this does not meet the case. You think slavery is right and ought to be extended, while we think it wrong and ought to be restricted. That I suppose is the rub. It certainly is the only substantial difference between us."

And this "substantial difference" compassed the point which could not be compromised; with Lincoln the point involved a principle and he would not surrender a principle. It was the principle on which the Republican party had gone to the country.

Meanwhile, President Buchanan was pursuing a wavering and doubtful course, the more serious for the country because the South neither feared nor respected his authority. The pressing question was of the Charleston forts: Should they be reinforced? Would their reinforcement precipitate civil war? Southern senators and representatives were resigning their seats in Congress, in obedience to their own will and the will of their constituents. Innumerable rumors were in the air: of treachery in high places—in the army, in the navy, in the Cabinet. Buchanan wished to avoid collision of war at Charleston; he had no thought of an aggressive policy to protect the property of the United States. Nor had he any thought of aiding and abetting treason, though thousands at the North were suspecting him. Cass, the secretary of state, resigned and was followed by Cobb,

secretary of the treasury: the president filling the vacancies by appointing Jeremiah S. Black, of Pennsylvania, to succeed Cass (December 17, 1860), and Thomas, of Maryland (December 20th), to succeed Cobb—Thomas being succeeded by John A. Dix, January 11, 1861. But before Dix entered the Cabinet that body was helplessly divided in sentiment. The North was recalling Jackson's policy in the days of nullification, but Buchanan was incapable, temperamentally, of imitating Jackson, and his convictions, obstinate and negative as they were, suffered him only to be a spectator of events when a Jacksonian president would have ordered troops into South Carolina and attempted to suppress insurrection and rebellion. The administrative force of the Federal government was in the hands of old men: Buchanan, old in years, vacillating and timid; General Scott, the head of the army, yet older, and physically incapable of active service, and prone to confuse his military with his civil advice. To an ardent Republican at the North, the entire national administration seemed hopelessly tied up with red tape and submerged in timidity, while an equally ardent Northern Democrat would call the government conservative and speak of it as proceeding strictly on constitutional grounds.

That South Carolina would adopt an ordinance of secession was no longer doubted at the North, but few realized the significance of the step. The rank and file at the North still looked upon the secession movement as a game of brag and buncombe, such as the South was fond of playing, and looked for a speedy return to the *statu quo* after the effervescence was over. But the North did not understand the South; the South did not understand the North.

In Charleston, the heart and centre of secession, warlike preparations kept on: the Carolinians were in earnest; they and their leaders were resolved on revolution, as they called it: secession, rebellion, as it was looked upon at the North. The energy of South Carolina was now expending itself in military drills, schemes of defense, the raising of military

supplies, the preparation for war. Already the trade and agriculture of the State were beginning to show signs of peril; business was uncertain; property values rose and fell as in times of uncertain speculation. The people refrained from idle amusements and devoted themselves to preparation for the long sacrifice of war. No longer were prayers publicly offered for the president of the United States; no longer was the stars and stripes seen floating, save over Fort Moultrie.

On December 17th, Francis W. Pickens was inaugurated governor and said, in the course of his inaugural address: "South Carolina is resolved to assert her separate independence, and as she acceded separately to the compact of union, so will she most assuredly secede separately and alone, be the consequences what they may; and I think it right to say with no unkind feeling whatever, that on this point there can be no compromise, let it be offered from where it may. . . . It is our sincere desire to separate from the States of the North in peace, and leave them to develop their own civilization according to their own sense of duty and interest. But if, under the guidance of ambition and fanaticism, they decide otherwise, then be it so. We are prepared for any event, and, in humble reliance upon that Providence who presides over the destiny of men and of nations, we will endeavor to do our duty faithfully, bravely, and honestly." On the day of his inauguration, Governor Pickens wrote to Buchanan requesting that Fort Sumter be handed over to South Carolina.

On the same day the Convention, called by the Legislature, assembled at Columbia, but on account of an epidemic of small-pox it adjourned to Charleston. Every delegate was present and the membership enrolled the representative men of the State, there being no fewer than five of its ex-governors, clergymen, railroad presidents, rich planters and Judge A. G. Magrath, a New Englander by birth, who, on the day after Lincoln's election, had resigned as United States circuit judge. No convention ever assembled in America

with greater unanimity. A sentence in the brief remarks of D. F. Jameson, of Barnwell, tells the whole story:

"There is no honor I esteem more highly than to sign the Ordinance of Secession, as a member of this body; but I will regard it as the greatest honor of my life to sign it as your presiding officer."

This utterance was on the 17th; on the 20th, John A. Inglis, chancellor, and judge in Chancery, reported the Ordinance:

"We, the People of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained,

"That the Ordinance adopted by us in Convention, on the twenty-third day of May, in the year of our Lord one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified, and also all acts, and parts of acts, of the General Assembly of this State, ratifying amendments of said Constitution, are hereby repealed; and that the union now subsisting between South Carolina and other States, under the name of 'The United States of America,' is hereby dissolved."

No ordinance of convention was ever received with more enthusiasm than did the people of Charleston receive this one; multitudes were parading the streets with banners and martial music; the chimes in the churches were pealing, and cannon thundered forth the joy of the people over the news.

That evening, amidst great ceremony, in the presence of a vast and joyous audience, the delegates affixed their names to the Ordinance. When the last name was written, President Jameson said: "I proclaim the State of South Carolina an independent Commonwealth."

Then the outburst of enthusiasm again echoed to the skies: the people were as one.

Meanwhile the programme of secession was being carried out in other Southern States, to the same end, as events proved, but not wholly by the same means. Disunion sentiment was paramount in the Cotton States, though not in

every section of them—being weak in the mountainous parts of Alabama and Georgia, and opposed by individuals here and there throughout the lower South: but opposition was trifling with dominant thought, not in any sense affecting it. In five States conventions elected by popular vote, as was that of South Carolina, passed ordinances of secession: Mississippi, January 9th; Florida, January 10th; Alabama, January 11th; Georgia, January 19th; Louisiana, January 26th. Texas followed, February 1st. In Georgia public opinion, unlike that in South Carolina, was mirrored in a resolution of the Convention looking toward a possible compromise of the slavery question with the United States, and the Mississippi Convention declared that the secession of a State was "utterly unsanctioned by the Federal Constitution which was framed to establish and not to destroy the Union of the States;" but the South knew and felt that secession meant "a civil revolution." The conviction of the South may be said to be expressed in an utterance of Alexander H. Stephens, as early as 1850, stating his conviction of the sovereignty of the States and of the right of secession: "The argument is exhausted; we have ultimately to submit or fight." And Stephens opposed disunion to the last moment; but his hopes, had they fruited, would only have put off the Civil War. He saw clearly that the conflict was irrepressible; he believed that it was inevitable: he believed that secession should not be resorted to until all possible efforts at peace between anti-slavery and pro-slavery should be exhausted. But Lincoln had wholly covered the ground: the right or the wrong of slavery; a principle was at stake. Yet the South talked solemnly of principle; appealed to the God of nations and prepared for war.

Like the early Congress of the States, the South Carolina Convention issued a "Declaration of Causes," an imitation of the Declaration of Independence, and also issued an "Address to the People of the Slaveholding States." The Mississippi Convention also issued "A Declaration of the Immediate Causes which Induce and Justify the Secession of

the State from the Federal Union." The Georgia Convention discussed and formulated a set of "Fundamental Principles" according to which it professed to act. Similar discussions were heard in other secession Conventions; but the South Carolina Declaration of Causes and the Address omit nothing in the case for the South and may be accepted as the deliberate utterances of the South on the causes of the Civil War.

"The People of the State of South Carolina"—so opens the Declaration of Causes—"in Convention assembled, on the 26th day of April, 1852, declared that the frequent violation of the Constitution of the United States, by the Federal government, and its encroachments on the reserved rights of the States, fully justified this State in then withdrawing from the Federal Union; she forbore at that time to exercise this right. Since that time, these encroachments have continued to increase, and further forbearance ceases to be a virtue.

"And now the State of South Carolina having resumed her separate and equal place among nations, deems it due to herself, to the remaining United States of America, and to the nations of the world, that she should declare the immediate causes which have led to this act.

"In the year 1765, that portion of the British Empire embracing Great Britain, undertook to make laws for the government of that portion composed of the thirteen American Colonies. A struggle for the right of self-government ensued, which resulted, on the 4th of July, 1776, in a Declaration, by the Colonies, 'that they are, and of right ought to be, FREE AND INDEPENDENT STATES; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do.'

"They further solemnly declared that whenever any 'form of government becomes destructive of the ends for which it was established, it is the right of the people to alter or

abolish it, and to institute a new government.' Deeming the Government of Great Britain to have become destructive of these ends, they declared that the Colonies 'are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.

"In pursuance of this Declaration of Independence, each of the thirteen States proceeded to exercise its separate sovereignty; adopted for itself a constitution, and appointed officers for the administration of government in all its departments—Legislative, Executive and Judicial. For purposes of defense, they entered into a League known as the Articles of Confederation, whereby they agreed to entrust the administration of their external relations to a common agent, known as the Congress of the United States, expressly declaring, in the first Article 'that each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not, by this Confederation expressly delegated to the United States in Congress assembled.'

"Under this Confederation the war of the Revolution was carried on, and on the 3d of September, 1783, the contest ended, and a definite Treaty was signed by Great Britain, in which she acknowledged the independence of the Colonies in the following terms:

"'Article 1.—His Britannic Majesty acknowledges the said United States, viz.: New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be FREE, SOVEREIGN AND INDEPENDENT STATES; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same and every part thereof . . . '

"Thus were established the two great principles asserted by the Colonies, namely: the right of a State to govern itself; and the right of a people to abolish a government

when it becomes destructive of the ends for which it was instituted. And concurrent with the establishment of these principles, was the fact, that each Colony became and was recognized by the mother country as a FREE, SOVEREIGN AND INDEPENDENT STATE.

"In 1787, Deputies were appointed by the States to revise the Articles of Confederation, and on 17th September, 1787, these Deputies recommended, for the adoption of the States, the Articles of Union, known as the Constitution of the United States.

"The parties to whom this Constitution was submitted were the several sovereign States; they were to agree or disagree, and when nine of them agreed, the compact was to take effect among those concurring; and the General Government, as the common agent, was then to be invested with their authority.

"If only nine of the thirteen States had concurred, the other four would have remained as they then were—separate, sovereign States, independent of any of the provisions of the Constitution. In fact, two of the States did not accede to the Constitution until long after it had gone into operation among the other eleven; and during that interval, they each exercised the functions of an independent nation.

"By this Constitution, certain duties were imposed upon the several States, and the exercise of certain of their powers was restrained, which necessarily implied their continued existence as sovereign States. But to remove all doubts, an amendment was added, which declared that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people. On 23d May, 1788, South Carolina, by a Convention of her People, passed an Ordinance assenting to this Constitution, and afterward altered her own Constitution, to conform herself to the obligations she had undertaken.

"Thus was established, by compact between the States, a Government with defined objects and powers, limited to

the express words of the grant. This limitation left the whole remaining mass of power subject to the clause reserving it to the States or to the people, and rendering unnecessary any specification of reserved rights.

"We hold that the Government thus established is subject to the two great principles asserted in the Declaration of Independence; and we hold further, that the mode of its formation subjects it to a third fundamental principle, namely: the law of compact. We maintain that in every compact between two or more parties, the obligation is mutual; that the failure of one of the contracting parties to perform a material part of the agreement, entirely releases the obligation of the other; and that where no arbiter is provided, each party is remitted to his own judgment to determine the fact of failure, with all its consequences.

"In the present case, that fact is established with certainty. We assert that fourteen of the States have deliberately refused, for years past, to fulfil their constitutional obligations, and we refer to their own Statutes for the proof.

"The Constitution of the United States, in its fourth Article provides as follows:

"'No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation thereof, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due.'

"This stipulation was so material to the compact, that without it that compact would not have been made. The greater number of the contracting parties held slaves, and they had previously evinced their estimate of the value of such a stipulation by making it a condition in the Ordinance for the government of the territory ceded by Virginia, which now composes the States north of the Ohio River.

"The same article of the Constitution stipulates also for rendition by the several States of fugitives from justice from the other States.

"The General Government, as the common agent, passed laws to carry into effect these stipulations of the States. For many years these laws were executed. But an increasing hostility on the part of the non-slaveholding States to the institution of slavery, has led to a disregard of their obligations, and the laws of the General Government have ceased to effect the objects of the Constitution. The States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin and Iowa, have enacted laws which either nullify the Acts of Congress or render useless any attempt to execute them. In many of these States the fugitive is discharged from the service or labor claimed, and in none of them has the State government complied with the stipulation made in the Constitution. The State of New Jersey, at an early day, passed a law in conformity with her constitutional obligations; but the current of anti-slavery feeling has led her more recently to enact laws which render inoperative the remedies provided by her own law and by the laws of Congress. In the State of New York even the right of transit for a slave has been denied by her tribunals; and the States of Ohio and Iowa have refused to surrender to justice fugitives charged with murder, and with inciting insurrection in the State of Virginia. Thus the constituted compact has been deliberately broken and disregarded by the non-slaveholding States, and the consequence follows that South Carolina is released from her obligation.

"The ends for which this Constitution was framed are declared by itself to be 'to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.'

"These ends it endeavored to accomplish by a Federal Government, in which each State was recognized as an equal, and had separate control over its own institutions. The right of property in slaves was recognized by giving to

free persons distinct political rights, by giving them the right to represent, and burthening them with direct taxes for three-fifths of their slaves; by authorizing the importation of slaves for twenty years; and by stipulating for the rendition of fugitives from labor.

"We affirm that these ends for which this Government was instituted have been defeated, and the Government itself has been made destructive of them by the action of the non-slaveholding States. Those States have assumed the right of deciding upon the propriety of our domestic institutions; and have denied the rights of property established in fifteen of the States and recognized by the Constitution; they have denounced as sinful the institution of slavery; they have permitted the open establishment among them of societies whose avowed object is to disturb the peace and to eloign the property of the citizens of other States. They have encouraged and assisted thousands of our slaves to leave their homes; and those who remain, have been incited by emissaries, books and pictures to servile insurrection.

"For twenty-five years this agitation has been steadily increasing, until it has now secured to its aid the power of the common Government. Observing the forms of the Constitution, a sectional party has found within that Article establishing the Executive Department the means of subverting the Constitution itself. A geographical line has been drawn across the Union, and all the States north of that line have united in the election of a man to the high office of President of the United States, whose opinions and purposes are hostile to slavery. He is to be intrusted with the administration of the common Government because he has declared that that 'Government cannot endure permanently half slave, half free,' and that the public mind must rest in the belief that slavery is in the course of ultimate extinction.

"This sectional combination for the submersion of the Constitution, has been aided in some of the States by elevating to citizenship, persons, who, by the supreme law of the land, are incapable of becoming citizens; and their votes

have been used to inaugurate a new policy, hostile to the South, and destructive of its peace and safety.

"On the 4th of March next, this party will take possession of the Government. It has announced that the South shall be excluded from the common territory, that the judicial tribunals shall be made sectional, and that a war must be waged against slavery until it shall cease throughout the United States.

"The guarantees of the Constitution will then no longer exist; the equal rights of the States will be lost. The slaveholding States will no longer have the power of self-government, or self-protection, and the Federal Government will have become their enemy.

"Sectional interest and animosity will deepen the irritation, and all hope of remedy is rendered vain, by the fact that public opinion at the North has invested a great political error with the sanctions of a more erroneous religious belief.

"We, therefore, the People of the State of South Carolina, by our delegates in Convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the Union heretofore existing between this State and the other States of North America, is dissolved, and that the State of South Carolina has resumed her position among the nations of the world, as a separate and independent State; with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do."

This instrument, intended to serve as the Declaration of Southern Independence, while making slavery the immediate as well as the remote cause of the act of South Carolina in "resuming her position among the nations of the world as a separate and independent State" also cited another and anterior cause, arising from the nature of the Constitution of the United States, namely, that that Constitution was a compact between the States acceding to it and was subject

to their will and the will of each of them as to its continuance, there being no common arbiter between the parties to the compact, and each, therefore, being empowered itself to decide whether the compact had been violated. Thus slavery and State sovereignty were immediate causes of the action of South Carolina in passing her ordinance of secession.

A third and the immediate cause was the election of Lincoln to the presidency by a sectional vote hostile to slavery. Stripped of non-essentials, this Declaration of Southern Independence rested on two claims: the claim of the rightfulness of slavery and the claim of the sovereignty of the several States. Lincoln's utterance at Springfield, Illinois, in 1857, that the Union could not endure half slave, half free, the utterance which became the conviction of the Republican party and which ultimately made him president of the United States expressed in simple but precise language the issue in America as the North saw it and now, as the South saw it.

But all along there was another, a basic difference, to which the Declaration did not refer but which was touched on at length in

"The Address of the People of South Carolina, Assembled in Convention, to the People of the Slaveholding States."

"It is seventy-three years since the Union between the United States was made by the Constitution of the United States. During this time, their advance in wealth, prosperity and power has been with scarcely a parallel in the history of the world. The great object of their Union was defense against external aggression; which object is now attained, from their mere progress in power. Thirty-one millions of people, with a commerce and navigation which explore every sea, and with agricultural productions which are necessary to every civilized people, command the friendship of the world. But unfortunately, our internal peace has not grown with our external prosperity. Discontent and contention have moved in the bosom of the Confederacy

for the last thirty-five years. During this time, South Carolina has twice called her people together in solemn Convention, to take into consideration the aggressions and unconstitutional wrongs perpetrated by the people of the North on the people of the South. These wrongs were submitted to by the people of the South, under the hope and expectation that they would be final. But such hope and expectation have proved to be vain. Instead of producing forbearance, our acquiescence has only instigated to new forms of aggression and outrage; and South Carolina, having again assembled her people in Convention, has this day dissolved her connection with the States constituting the United States.

"The one great evil, from which all other evils have flowed, is the overthrow of the Constitution of the United States. The Government of the United States is no longer the Government of Confederated Republics, but of a consolidated Democracy. It is no longer a free Government, but a despotism. It is, in fact, such a Government as Great Britain attempted to set over our fathers; and which was resisted and defeated by a seven years' struggle for independence.

"The Revolution of 1776 turned upon one great principle, self-government—and self-taxation, the criterion of self-government. Where the interests of two people united together under one government, are different, each must have the power to protect its interests by the organization of the Government, or they cannot be free. The interests of Great Britain and of the Colonies were different and antagonistic. Great Britain was desirous of carrying out the policy of all nations toward their Colonies, of making them tributary to her wealth and power. She had vast and complicated relations with the whole world. Her policy toward her North American Colonies was to identify them with her in all these complicated relations; and to make them bear, in common with the rest of the Empire, the full burden of her obligations and necessities. She had a vast public debt; she had a European policy and an Asiatic policy,

which had occasioned the accumulation of her public debt; and which kept her in continual wars. The North American Colonies saw their interests, political and commercial, sacrificed by such a policy. Their interests required that they should not be identified with the burdens and wars of the mother country. They had been settled under charters which gave them self-government; at least so far as their property was concerned. They had taxed themselves, and had never been taxed by the Government of Great Britain. To make them a part of a consolidated Empire, the Parliament of Great Britain determined to assume the power of legislating for the Colonies in all cases whatsoever. Our ancestors resisted the pretension. They refused to be a part of the consolidated Government of Great Britain.

"The Southern States now stand exactly in the same position toward the Northern States that the Colonies did toward Great Britain. The Northern States, having the majority in Congress, claim the same power of omnipotence in legislation as the British Parliament. 'The General Welfare,' is the only limit to the legislation of either; and the majority in Congress, as in the British Parliament, are the sole judges of the expediency of the legislation this 'General Welfare' requires. Thus, the Government of the United States has become a consolidated Government; and the people of the Southern States are compelled to meet the very despotism their fathers threw off in the Revolution of 1776.

"The consolidation of the Government of Great Britain over the Colonies was attempted to be carried out by the taxes. The British Parliament undertook to tax the Colonies, to promote British interests. Our fathers resisted the pretension. They claimed the right of self-taxation through their Colonial Legislatures. They were not represented in the British Parliament, and, therefore, could not rightly be taxed by its legislation. The British Government, however, offered them a representation in Parliament; but it was not sufficient to enable them to protect themselves from the majority, and they refused the offer. Between taxation

without any representation, and taxation without a representation adequate to protection, there was no difference. In neither case would the Colonies tax themselves. Hence, they refused to pay taxes laid by the British Parliament.

"And so with the Southern States, toward the Northern States, in the vital matter of taxation. They are in a minority in Congress. Their representation in Congress is useless to protect them against unjust taxation; and they are taxed by the people of the North for their benefit, exactly as the people of Great Britain taxed our ancestors in the British Parliament for their benefit. For the last forty years, the taxes laid by the United States have been laid with a view of subserving the interests of the North. The people of the South have been taxed by duties on imports, not for revenue, but for an object inconsistent with revenue —to promote, by prohibitions, Northern interests in the productions of their mines and manufactures.

"There is another evil, in the condition of the Southern toward the Northern States, which our ancestors refused to bear toward Great Britain. Our ancestors not only taxed themselves, but all the taxes collected from them, were expended amongst them. Had they submitted to the pretensions of the British Government, the taxes collected from them would have been expended in other parts of the British Empire. They were fully aware of the effect of such a policy of impoverishing the people from whom taxes are collected, and in enriching those who receive the benefit of the expenditure. To prevent the effects of such a policy was one of the motives which drove them on to revolution. Yet this British policy has been fully realized toward the Southern States by the Northern States. The People of the Southern States are not only taxed for the benefit of the Northern States, but after the taxes are collected, three-fourths of them are expended at the North. This cause, with others, connected with the operation of the General Government, has made the cities of the South provincial. Their growth is paralyzed; they are mere suburbs of

Northern cities. The agricultural products of the South are the basis of the foreign commerce of the United States; yet Southern cities do not carry it on. Our foreign trade is almost annihilated. In 1740, there were five ship-yards in South Carolina, to build ships to carry on our direct trade with Europe. Between 1740 and 1779, there were built in these yards, twenty-five square rigged vessels, besides a great number of sloops and schooners, to carry our coast and West India trade. In the half century immediately preceding the Revolution, from 1725 to 1775, the population of South Carolina increased seven-fold.

"No man can for a moment believe that our ancestors intended to establish over their posterity exactly the same sort of Government they had overthrown. The great object of the Constitution of the United States, in its internal operation, was, doubtless, to secure the great end of the Revolution—a limited free Government—a Government limited to those matters only which were general and common to all portions of the United States. All sectional or local interests were to be left to the States. By no other arrangement would they obtain free Government, by a Constitution common to so vast a Confederacy. Yet, by gradual and steady encroachments on the part of the people of the North, and acquiescence on the part of the South, the limitations in the Constitution have been swept away; and the Government of the United States has become consolidated, with a claim of limitless powers in its operations.

"It is not at all surprising, such being the character of the Government of the United States, that it should assume to possess power over all the institutions of the country. The agitations on the subject of slavery are the natural results of the consolidation of the Government. Responsibility follows power; and if the people of the North have the power of Congress 'to promote the general welfare of the United States,' by any means they deem expedient—why should they not assail and overthrow the institution of slavery in the South? They are responsible for its

continuance or existence, in proportion to their power. A majority in Congress, according to their interested and perverted views, is omnipotent. The inducements to act upon the subject of slavery, under such circumstances, were so imperious as to amount almost to a moral necessity. To make, however, their numerical power available to rule the Union, the North must consolidate their power. It would not be united on any matter common to the whole Union—in other words, on any constitutional subject—for on such subjects divisions are as likely to exist in the North as in the South. Slavery was strictly a sectional interest. If this could be made the criterion of parties at the North, the North could be united in its power; and thus carry out its measures of sectional ambition, encroachment and aggrandizement. To build up their sectional predominance in the Union, the Constitution must be first abolished by constructions; but that being done, the consolidation of the North, to rule the South, by the tariff and slavery issues, was in the obvious course of things.

"The Constitution of the United States was an experiment. The experiment consisted in uniting under one Government peoples living in different climates, and having different pursuits and institutions. It matters not how carefully the limitations of such a Government be laid down in the Constitution—its success must, at least, depend upon the good faith of the parties to the constitutional compact, in enforcing them. It is not in the power of human language to exclude false inferences, constructions and perversions, in any Constitution; and when vast sectional interests are to be subserved, involving the appropriation of countless millions of money, it has not been the usual experience of mankind, that words on parchment can arrest power. The Constitution of the United States, irrespective of the interposition of the States, rested on the assumption that power would yield to faith—that integrity would be stronger than interest; and that thus, the limitations of the Constitution would be observed. The experiment has been

fairly made. The Southern States, from the commencement of the Government, have striven to keep it within the orbit prescribed by the Constitution. The experiment has failed. The whole Constitution, by the constructions of the Northern people, has been absorbed by its preamble. In their reckless lust for power, they seem unable to comprehend that seeming paradox—that the more power is given to the General Government, the weaker it becomes. Its strength consists in the limitation of its agency to objects of common interest to all sections. To extend the scope of its power over sectional or local interests is to raise up against it opposition and resistance. In all such matters, the General Government must necessarily be a despotism, because all sectional or local interests must ever be represented by a minority in the councils of the General Government—having no power to protect itself against the rule of the majority. The majority, constituted from those who do not represent these sectional or local interests, will control or govern them. A free people cannot submit to such a government. And the more it enlarges the sphere of its power, the greater must be the dissatisfaction it must produce, and the weaker it must become. On the contrary, the more it abstains from usurped powers, and the more faithfully it adheres to the limitations of the Constitution, the stronger it is made. The Northern people have had neither the wisdom nor the faith to perceive, that to observe the limitations of the Constitution was the only way to its perpetuity.

"Under such a Government, there must, of course, be many and endless 'irrepressible conflicts,' between the two great sections of the Union. The same faithlessness which has abolished the Constitution of the United States will not fail to carry out the sectional purposes for which it has been abolished. There must be conflict; and the weaker section of the Union can only find peace and liberty in an independence of the North. The repeated efforts made by South Carolina, in a wise conservatism, to arrest the progress of the General Government in its fatal progress to consolidation,

have been unsupported, and she has been denounced as faithless to the obligations of the Constitution, by the very men and States, who were destroying it by their usurpations. It is now too late to reform or restore the Government of the United States. All confidence in the North is lost by the South. The faithlessness of the North for half a century has opened a gulf of separation between the North and the South which no promises nor engagements can fill.

"It cannot be believed that our ancestors would have assented to any union whatever with the people of the North, if the feelings and opinions now existing amongst them had existed when the Constitution was framed. There was then no tariff—no fanaticism concerning negroes. It was the delegates from New England who proposed in the Convention which framed the Constitution, to the delegates from South Carolina and Georgia, that if they would agree to give Congress the power of regulating commerce by a majority, they would support the extension of the African slave-trade for twenty years. African slavery existed in all the States but one. The idea that the Southern States would be made to pay that tribute to their Northern confederates which they had refused to pay to Great Britain; or that the institution of African slavery would be made the grand basis of a sectional organization of the North to rule the South, never crossed the imagination of our ancestors. The Union of the Constitution was a Union of slaveholding States. It rests on slavery, by prescribing a representation in Congress for three-fifths of our slaves. There is nothing in the proceedings of the Convention which framed the Constitution, to show that the Southern States would have formed any other Union; and still less, that they would have formed a Union with more powerful non-slaveholding States, having a majority in both branches of the Legislature of the Government. They were guilty of no such folly. Time and the progress of things have totally altered the relations between the Northern and Southern States, since

the Union was established. That identity of feelings, interests and institutions which once existed, is gone. They are now divided among agricultural and manufacturing and commercial States. Their institutions and industrial pursuits have made them totally different peoples. The equality in the Government between the two sections of the Union which once existed, no longer exists. We but imitate the policy of our fathers in dissolving a union with non-slaveholding confederates, and seeking a confederation with slaveholding States.

"Experience has proved that slaveholding States cannot be safe in subjection to non-slaveholding States. Indeed, no people can ever expect to preserve its rights and liberties, unless these be in its own custody. To plunder and oppress, where plunder and oppression can be practised with impunity, seems to be the natural order of things. The fairest portions of the world elsewhere, have been turned into wildernesses, and the most civilized and prosperous communities have been impoverished and ruined by anti-slavery fanaticism. The people of the North have not left us in doubt as to their designs and policy. United as a section in the late presidential election, they have elected as the exponent of their policy, one who has openly declared that all the States of the United States must be made free States or slave States. It is true, that amongst those who aided in his election, there are various shades of anti-slavery hostility. But if African slavery in the Southern States be the evil that political combination affirms it to be, the requisitions of an inexorable logic must lead them to emancipation. If it is right to preclude or abolish slavery in a Territory, why should it be allowed to remain in the States? The one is not at all more unconstitutional than the other, according to the decisions of the Supreme Court of the United States. And when it is considered that the Northern States will soon have the power to make that Court what they please, and that the Constitution never has been any barrier whatever to their exercise of power, what check can there

be, in the unrestrained counsels of the North, to emancipation? There is sympathy in association, which carries men along without principle; but where there is principle, and that principle is fortified by long existing prejudices and feelings, association is omnipotent in party influences. In spite of all disclaimers and professions, there can be but one end by the submission of the South to the rule of a sectional anti-slavery government at Washington; and that end, directly or indirectly, must be—the emancipation of the slaves of the South. The hypocrisy of thirty years—the faithlessness of their whole course from the commencement of our union with them, show that the people of the non-slaveholding North are not and cannot be safe associates of the slaveholding South, under a common Government. Not only their fanaticism, but their erroneous views of the principles of free Governments, render it doubtful whether, if separated from the South, they can maintain a free Government amongst themselves. Numbers, with them, is the great element of free Government. A majority is infallible and omnipotent. ‘The right divine to rule in kings,’ is only transferred to their majority. The very object of all Constitutions, in free popular Government, is to restrain the majority. Constitutions, therefore, according to their theory, must be most unrighteous inventions, restricting liberty. None ought to exist; but the body politic ought simply to have a political organization, to bring out and enforce the will of the majority. This theory may be harmless in a small community, having identity of interests and pursuits; but over a vast State—still more over a vast Confederacy, having various and conflicting interests and pursuits—it is a remorseless despotism. In resisting it as applicable to ourselves, we are vindicating the great cause of free Government, more important, perhaps, to the world, than the existence of the United States. Nor in resisting it, do we intend to depart from the safe instrumentality the system of Government we have established with them requires. In separating from them, we invade no rights, no interests of

theirs. We violate no obligation or duty to them. As separate, independent States in Convention, we made the Constitution of the United States with them; and as separate, independent States, each State acting for itself, we adopted it. South Carolina, acting in her sovereign capacity, now thinks proper to secede from the Union. She did not part with her sovereignty in adopting the Constitution. The last thing a State can be presumed to have surrendered is her sovereignty. Her sovereignty is her life. Nothing but a clear, express grant can alienate it. Inference is inadmissible. Yet it is not at all surprising that those who have construed away all the limitations of the Constitution, should also, by construction, claim the annihilation of the Sovereignty of the States. Having abolished all barriers to their omnipotence, by their faithless constructions in the operations of the General Government, it is most natural that they should endeavor to do the same toward us in the States. The truth is, they have violated the express provisions of the Constitution, it is at an end, as a compact. It is morally obligatory only on those who choose to accept its perverted terms. South Carolina, deeming the compact not only violated in particular features, but virtually abolished by her Northern confederates, withdraws herself as a party to its obligations. The right to do so is denied by her Northern confederates. They desire to establish a sectional despotism, not only omnipotent in Congress, but omnipotent over the States; and as if to manifest the imperious necessity of our secession, they threaten us with the sword, to coerce submission to their rule.

"Citizens of the slaveholding States of the United States! Circumstances beyond our control have placed us in the van of the great controversy between the Northern and Southern States. We would have preferred that other States should have assumed the position we now occupy. Independent ourselves, we disclaim any design or desire to lead the counsels of the other Southern States. Providence has cast our lot together, by extending over us an identity of

pursuits, interests and institutions. South Carolina desires no destiny separated from yours. To be one of a great Slaveholding Confederacy, stretching its arms over a territory larger than any power in Europe possesses—with a population four times greater than that of the whole United States when they achieved their independence of the British Empire, with productions which make our existence more important to the world than that of any other people inhabiting it—with common institutions to defend, and common dangers to encounter—we ask your sympathy and confederation. While constituting a portion of the United States, it has been your statesmanship which has guided it, in its mighty strides to power and expansion. In the field, as in the cabinet, you have led the way to its renown and grandeur. You have loved the Union, in whose service your great statesmen have labored, and your great soldiers have fought and conquered—not for the material benefits it conferred, but with the faith of a generous and devoted chivalry. You have long lingered in hope over the shattered remains of a broken Constitution. Compromise after compromise, formed by your concessions, has been trampled under foot by your Northern confederates. All fraternity of feeling between the North and the South is lost, or has been converted into hate; and we, of the South, are at last driven together by the stern destiny which controls the existence of nations. Your bitter experience of the faithlessness and rapacity of your Northern confederates may have been necessary to evolve those great principles of free Government, upon which the liberties of the world depend, and to prepare you for the grand mission of vindicating and re-establishing them. We rejoice that other nations should be satisfied with their institutions. Contentment is a great element of happiness, with nations as with individuals. We are satisfied with ours. If they prefer a system of industry, in which capital and labor are in perpetual conflict—and chronic starvation keeps down the natural increase of population—and a man is worked out in eight years—and the law ordains

that children shall be worked only ten hours a day—and the sabre and the bayonet are the instruments of order—be it so. It is their affair, not ours. We prefer, however, our system of industry, by which labor and capital are identified in interest, and capital, therefore, protects labor—by which our population doubles every twenty years—by which starvation is unknown, and abundance crowns the land—by which order is preserved by unpaid police, and many fertile regions of the world, where the white man cannot labor, are brought into usefulness by the labor of the African, and the whole world is blessed by our productions. All we demand of other peoples is to be left alone, to work out our own high destinies. United together, and we must be the most independent, as we are among the most important, of the nations of the world. United together, and we require no other instrument to conquer peace, than our beneficent productions. United together, and we must be a great, free, prosperous people, whose renown must spread throughout the civilized world, and pass down, we trust, to the remotest ages. We ask you to join us in forming a Confederacy of Slaveholding States."

It seems impossible to conceive to-day, that such a declaration could ever have emanated from any body of people in the United States. Its morality, its politics, its constitutional law, its economics were refuted by facts and conditions at the time of its utterance and anterior: the records attest that. The Declaration of Causes was intended as the appeal of the South to the considerate judgment of mankind: an appeal to the outside world—to the company of nations. The address to the people of the slaveholding States was a domestic appeal, culminating in the invitation to form a slaveholding Confederacy. To this had the Slave Power come in 1860. And the entire basis and foundation of both Declaration and Address was slavery. Every assertion of Northern faithlessness to the obligations of the Constitution, every claim of economic supremacy of slavery as an institution rests upon the same kind of

foundation. And behind all claims there shows forth the travesty of so-called free institutions. It is a significant fact that the Declaration of Independence of 1776 has passed into literature and the speech of civilized men the world over—but not a line, nor a phrase, nor a thought of these two fulminations from the South, in 1860, lingers in the memory of man. And why? Because they mean nothing; they rest on no principle of truth or justice—but upon a total misconception of free institutions and of the course of civilization. That they appealed to Southern men; that Southern men believed that their asseverations were true, no man doubts. The South went to war in defense of these assertions—and no braver people ever fought, though for a worthless cause. The astonishing thing is the evidence, which such documents as these give, of how a state of mind may possess a people and impel them to destruction. Narrowed down to the ultimate issue, the South was a unit for slavery and was determined to confederate with herself exclusively for slavery. It has been the fashion in many quarters to deny that slavery was the cause of the Civil War, and nowhere is the denial sharper than among Southerners. It is evidently difficult for them, of a later generation, to conceive that any rational people would go to war to save—more—to extend and perpetuate slavery.

And yet the address of South Carolina to the people of the slaveholding States corroborates the record; climate, soil, productions, bred conflicting interests between North and South, and the address also emphasizes the amazing confidence of the South in her exclusive importance to the world. Slavery and cotton are the chief objects of God's providence, and the only true conception of free government is the slavocratic conception.

The North had violated the Constitution from the beginning, yet the address tells the Southern people that the grandeur, expansion and power of the United States were due to Southern statesmanship: that that statesmanship had guided the country. In other words, the North had wrecked

the Constitution in spite of the fact that the South had controlled public affairs from the beginning of the Union.

The address labors to establish a parallel between secession, in 1860, and revolution, in 1776; that the Southern States, in 1860, were in precisely the situation of the Colonies in 1776. But the parallel is in words only. Congress under the Constitution never bore, and never could bear the relation to the several States of the Union that Parliament bore to the thirteen Colonies; had the people of these Colonies participated in the establishment of Parliament, the comparison might limp along: but to get the figure squarely on all fours is impossible. Such a parallel could have made no appeal to the people of the North; they had ceased to be provincial and their conceptions of free government forbade any toleration of such a far-fetched and mistaken figure. The entire history of slavery at the South was a history of industrial limitation, educational limitation, mechanical limitation, moral limitation. There was no law or custom to prevent South Carolina's building the navies of the world, if she chose—save the laws and customs which slavery dictated. There were no laws or customs which relegated Southern cities as suburbs of Northern cities but the laws and customs and imperious economic consequences of slavery.

But the Carolina address declared a truth when it associated the North with the South in protecting, compromising, and profiting by slavery. To that accusation the North must plead guilty. But the state of mind which induced that association, that compromise, that protection, that profit-sharing, was breaking up: the North was awakening to the wrong of slavery, and the consciousness and conviction of that wrong had uttered itself in that utterance which alarmed and angered the South and which South Carolina cited both in its Declaration of Causes, and in its Address appealing to the slaveholding States to unite with it in forming a Slaveholding Confederacy. That alarming utterance was Lincoln's:

"A house divided against itself cannot stand. I believe that this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all the one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push forward, till it shall become alike lawful in all the States, old as well as new—North as well as South."

The country was now well into the third year since these words were uttered and the man who uttered them was now the president-elect of the United States. The South was announcing her decision in the appeal of South Carolina "To be one of a great slaveholding Confederacy, stretching its arms over a territory larger than any power in Europe possesses—with a population four times greater than that of the United States when they achieved their independence of the British Empire—with productions which make our existence more important to the world than that of any other people inhabiting it—with common institutions to defend, and common dangers to encounter—we ask your sympathy and confederation. . . . All fraternity of feeling between the North and the South is lost, or has been converted into hate; and we, of the South, are at last driven together by the stern necessity which controls the existence of nations. . . . We rejoice that other nations should be satisfied with their institutions. . . . We are satisfied with ours. If they prefer a system of industry, in which capital and labor are in perpetual conflict—and chronic starvation keeps down the natural increase of population—and a man is worked out in eight years—and the law ordains that children shall be worked only ten hours a day—and the sabre and the bayonet are the instruments of order—be it so. It is their affair, not ours. We prefer, however, our system of industry, by which labor and capital are identified

in interest, and capital, therefore, protects labor—by which our population doubles every twenty years—by which starvation is unknown, and abundance crowns the land—by which order is preserved by an unpaid police, and many fertile regions of the world, where the white man cannot labor, are brought into usefulness by the labor of the African, and the whole world is blessed by our productions. All we demand of other peoples is to be left alone, to work out our own high destinies. . . . United together, and we require no other instrument to conquer peace, than our beneficent productions. United together, and we must be a great, free, prosperous people, whose renown must spread throughout the civilized world, and pass down, we trust, to the remotest ages. We ask you to join us in forming a Confederacy of Slaveholding States."

To this conclusion had the slave power come; to this end had it planned; for this consummation had it hoped. Was it possible, now, at the moment when Lincoln should assume the duties of president of the United States that his earnest expectation could be realized, that the Union would not be dissolved—that the house would not fall—and that it would cease to be divided?



CHAPTER III

CONFEDERACY OR NATION

IN marshalling the reasons and causes which impelled them to secede from the Union, the authors of the South Carolina Declaration and Address claimed that the States were sovereign; that the Constitution of the United States was a compact between sovereign States; that in the administration of the government under the Constitution the North by power of its majority vote in Congress had imposed an obnoxious and injurious tariff on the country, grievously affecting the South, and had in other ways violated the principles of the compact. In addition to the defense of slavery and the desire to found a slaveholding Confederacy, the South, complaining of the attitude of the North toward slavery, rested its cause on State sovereignty, hostility to a protective tariff, preference for an agricultural to a commercial or manufacturing state of society, and the right of secession. Eliminating slavery as a cause for civil war, in 1860, there remain two other causes: antagonistic interpretations of the nature of the government of the United States, and antagonistic interpretations of its just and equitable administration. The tariff involved questions of administration, but the doctrine of State sovereignty went directly to the very nature and life of the General government.

In the message quoted in part in the preceding chapter President Jackson spoke of the United States as a Confederacy, and the word was in common use in that sense before

him and down to the time of the secession of South Carolina. Lincoln, in his debates with Douglas, in 1858, thus spoke of the Union, and again, as we have seen, in the Cooper Institute speech, in February, 1860. James Russell Lowell, writing in the *Atlantic Monthly*, for February, 1861, declared, "The United States are a nation, and not a mass-meeting. In the present case (the secession of South Carolina and the question of maintaining Federal authority there) the only coercion called for is the protection of the public property and the collection of the Federal revenues. If it be necessary to send troops to do this, they will not be sectional—but Federal troops, representing the will and power of the whole Confederacy." Lincoln, speaking at Peoria, October 16, 1854, on the proposed repeal of the Missouri Compromise by the Kansas-Nebraska Bill said, "I wish to be no less than national in all the positions I may take." "For myself," said Charles Sumner, in his speech on *The Crime Against Kansas*, in the Senate, May 20, 1856, "I care little for names; but since the question has been raised here, I affirm that the Republican party of the Union is in no just sense *sectional*, but, more than any other party, *national*, and that it now goes forth to dislodge from the high places of the government the tyrannical sectionalism of which the senator from South Carolina (Butler) is one of the maddest zealots." In seceding, South Carolina proclaimed itself a free and independent nation and invited the slave States to join with it in forming a Slaveholding Confederacy. The terms Confederacy and Nation were used as synonyms down to the Civil War. Were they strictly synonymous, or did they stand for two antagonistic conceptions of the nature of the government of the United States?

On the day when the Continental Congress instructed one of its special committees to report a Declaration of Independence, it instructed another to bring in Articles of Confederation and Perpetual Union between the Colonies, but these Articles were not adopted by Congress until November 15, 1777, and were not ratified by the States until

March 1, 1781. The Union thus formed was defined by the Articles as "a firm league of friendship" between the States "for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever." The second Article declared that "Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not, by this Confederation expressly delegated to the United States in Congress assembled." The privileges and immunities of the free inhabitants of each State were secured to the free inhabitants of the several States and provision was made for the mutual extradition of fugitives from justice. The States paid their delegates in Congress, each State having not less than two nor more than seven. The States could not make alliances or treaties with foreign States nor with one another without the consent of Congress; nor lay imposts or duties which should interfere with treaties pending with France or Spain; or keep vessels of war or soldiers, except militia, or engage in war without the consent of Congress. The money necessary to meet national expenses, as agreed upon by Congress, was derived from quotas upon the States. Congress had sole power of making peace or war; of making treaties and contracting alliances; of granting letters of marque; of establishing admiralty courts; of regulating weights and measures; controlling the postal service; borrowing money; but these high powers granted to Congress could be exercised only with the consent of nine States, and that of seven was necessary to do ordinary business. The States agreed to observe the Articles inviolably and the Articles could not be amended or altered without the consent of Congress and of all the State Legislatures.

Hardly were these Articles of Union proposed before opposition to their adoption developed. The character of that opposition is well indicated in the discussions of the

South Carolina Legislature, in 1778, when the Articles were before it for amendment and ratification. The chief justice of the State, William Henry Drayton, opposed their ratification because they imperilled, in his judgment, the sovereignty of the States—"which," he said, "should be restricted only in cases of necessity." The powers of Congress "should be clearly defined in their operation." Thus early in the history of the Union did State sovereignty ideas find utterance.

But while the Articles of Confederation had been passing through Congress and going the round of the States for ratification, the States had been adopting constitutions, that of Massachusetts, 1780, plainly asserting that the State was "free, sovereign and independent." This conception of the nature of the States prevailed in America at the time and was a cause of anxiety to men like Hamilton, who was among the first to point out the peril involved in the doctrine of State sovereignty. He declared as early as September, 1780, that the fault of recognizing this sovereignty was undermining the powers of Congress under the Articles of Confederation and demanded that Congress should be clothed with powers "competent to the public exigencies." It was owing to the development and acceptance of such an idea as Hamilton advocated that attempts were made to amend the Articles. The Fathers were convinced that the Articles were only an experiment, a temporary device agreed upon in war time and destined to fall into disuse under the trying tests of peace. The essential weaknesses of the Confederation were twofold: the nature of the Union itself under the Articles, and the impossibility of administering a national government under the Articles. Thus in theory and in administration the Articles were breaking down. Congress must have power to raise taxes without the intervention of the States: this need was imperative, but to grant the requisite power to Congress implied the unanimous consent of all the State Legislatures, which was not likely to be obtained, as was indicated in South Carolina; for to grant

to Congress supreme power over the sources of revenue was construed by the disciples of State sovereignty as a dangerous invasion of the rights of the States. Then, too, there was the problem of transportation and inter-state commerce—over which Congress had no control and over which the States indicated very little willingness to come to an agreement. The public debt to foreign powers and to domestic creditors, growing out of the Revolution, was pressing for settlement, and hardly was the Treaty of 1783 signed and proclaimed before a disposition was evident in many quarters of the Union to repudiate the debt. Public credit, the life of a nation, was thus imperilled. The total issue by Congress of bills of credit reached the vast sum of \$233,000,000, by the first of December, 1779. The States had issued quite as much. Public credit was vanishing.

It was at this time that Congress appealed to the States to amend the Articles so as to empower it to levy the requisite tax, that is, to impose a tariff: but the States, alarmed for their sovereignty, refused. Rhode Island was the only State which at last stood out firmly against granting Congress the authority asked for, on the ground that the power would make Congress, that is, the General government, independent of the States. At last, after an ineffective appeal to the States to make the needed reforms, Congress frankly confessed its helplessness; public interest in the Confederation had sunk so low at the opening of 1787, that Congress with difficulty secured a quorum to do business. At this critical moment New Jersey refused to pay its quota toward the national expenses. Virginia, interested in the navigation of the Potomac, had, by the influence of Madison, then a member of its Legislature, invited the States watered by that river, to assemble in Convention at Annapolis to take under consideration some plan of common benefit to control its navigation. On September 11, 1786, New York, New Jersey, Pennsylvania and Delaware met Virginia at Annapolis, and a few days later, Hamilton, one of the New York delegates, drew up the report of the Convention, to the effect

that a Convention of all the States should assemble at Philadelphia, in May, following, to take into consideration the wants of the Union. Out of this suggestion grew the Federal Convention which assembled May 10, 1787, and framed the Constitution of the United States, behind closed doors, during the summer following, completing its work on the 17th of September.

To whatsoever extent the States claimed that they were sovereign down to the time of the formation of the Constitution of the United States, none of them had presumed to exercise it to the full. Yet there can be no doubt that the doctrine of State sovereignty was held by the majority of the men who at this time gave the subject any thought. The Declaration of Causes for Secession issued by South Carolina in 1860, quoted in full in the preceding chapter, cites the Treaty with Great Britain of 1783, in proof of this doctrine. While the statement in the treaty declared the thirteen States to be each "free, sovereign and independent," yet that statement did not make them so. One cannot avoid the thought that Great Britain may not have been wholly free from ulterior motives in inserting the declaration. The British government knew only too well how feeble was the American Confederation—and it was likely to be much more feeble in peace than in war. There was not wanting hope that under the trying tests of peace some of the American Commonwealths might secede from the Confederacy, and either attempt to exist as a separate power, or to unite with other States, or, perhaps of greater importance, to make alliance with the mother country and at last come under its protection if they did not become a component part of it. The evidence cited by the authors of the South Carolina Declaration of 1860 must not be taken too seriously, therefore; but construed together with other evidence of the strength of the idea of State sovereignty at the time it becomes cumulative. One must turn to the State constitutions of the period, 1776-1789, for further evidence, and here it is also cumulative and of the same

kind. The Confederation of 1777 was a League created by the States, and the power that creates is always greater than the power that is created. Yet all the while that this rather indefinite notion of State sovereignty was abroad in the land, the United States as an organic power was steadily developing. Events, stronger than State constitutions or arguments of men, were shaping national affairs, and the nation as an organic body was in being. That it was feeble, that its purposes were obscure, that its wants were denied are matters of history: but of the fact that a nation, an organism embodying the will of the whole people was in being, there can be no doubt. It was national feeling that won the Revolution, not State feeling; national feeling that sustained Congress under the Confederation, not State feeling; national feeling that forced unwilling State governments to respond and make appearance in the Federal Convention of 1787 that framed the Constitution. The seventy-four delegates who were elected, the fifty-five who attended the Federal Convention, and the thirty-nine who finally signed the Constitution were not ambassadors from sovereign States, for no State had authority to send such ambassadors.

The Convention itself took this view of the situation by ignoring the Articles of Confederation and the State constitutions—save as precedents—and proceeding to consider a new Constitution. Had the States been sovereign, the delegates would have been under obligation merely to suggest amendments to the Articles.

The very first proposition which the Convention took up was that "a national government ought to be established." The Virginia plan of government conceded this, though Governor Randolph, in presenting it, spoke of the "jealousy of the States regarding their sovereignty" as an obstacle in the way of forming a national government. Throughout the long and profound discussion of the plan which grew at last into the Constitution much was said of sovereignty, but the word was not introduced into the Constitution.

That the word "national" should be struck out in twenty-six places in the plan to the discussion and adaptation of which the Convention at last set itself at work has been construed by many able interpreters of the Constitution as evidence of the force of the claims of the States to sovereignty, but the substitution of "United States," it may be claimed, was the substitution of a synonym rather than evidence of the adoption of the doctrine of State sovereignty.

The authoritative contemporary interpretation of the Constitution is the *Federalist*, written by Hamilton, Madison and Jay, and therein much may be found on sovereignty. That the Federal Convention was divided into groups and that one of these groups was distinctively a State sovereignty group is evident from the records. This party secured important concessions, or compromises—as equal representation in the Senate, instead of proportional, as in the House; and it may be said that when this difficult point was settled, the fate of the Constitution was secure. The difference between a confederation and a national government was clear to the Fathers, the one based upon civil corporations, the States; the other, based upon the people of the country irrespective of State boundaries. The Confederacy addresses itself to States; the Nation, directly to individuals. A Confederacy depends for the execution of its laws upon the States; a Nation executes its laws through the people and upon them. Thus a Confederacy is in constant peril from the lack of sanction of its laws and from the secession of its members. And Hamilton, examining the defects of a Confederacy remarks on its tendency to degenerate into a military despotism, depending at last upon the coercion of arms, whereas a Nation depends upon the operation of its laws. Both Hamilton and Madison, in the *Federalist*, assert that it was far easier for the State governments to encroach upon national authority than for the national authority to encroach upon the States, and Hamilton asserted that until the national government exercised the same means as the States and possessed the same powers

of reaching individuals, it would be subordinate to the States. But the great argument of the *Federalist* is that the one remedy for the weak attachment of the people to the national government would be the better administration of the national government than of the State governments and said: "The streams of national power flow immediately from the pure, original fountain of all legitimate authority—the consent of the people themselves." This proposition undoubtedly embodies the basic principle of the government of the United States. The State sovereignty party, at the time the Constitution was made, objected to the power of taxation which the Constitution gives Congress because it is, as they said, "unlimited." They prophesied that this power would be abused. "Money," said Hamilton, in reply to this objection, "is with propriety considered as the vital principle of the body politic; as that which sustains its life and motion and enables it to perform its most essential functions. A complete power, therefore, to procure a regular and adequate supply of it, as far as the resources of the community will permit, may be regarded as an indispensable ingredient in every constitution. From a deficiency in this particular, one of two evils must ensue: either the people must be subject to continual plunder, as a substitute for a more eligible mode of supplying the public wants, or the government must sink into a fatal atrophy, and in a short course of time, perish. . . . In the usual progress of things the necessities of a nation in every step of its existence will be found at least equal to its resources."

The exercise of the taxing power was bound to be the test of the discretion of Congress under the Constitution. In other words, it was not wholly a question of the precise nature of the government—whether the States were left sovereign, or quasi sovereign: but a question of administration. And it was in the course of administration that the true nature of the government of the United States was to disclose itself. In this matter of taxation the Constitution very carefully avoids conflict with the State governments,

for it in no way restricts them or deprives them of the power of raising an adequate revenue strictly for State purposes. That the framers of the Constitution had great confidence in the system of checks and balances embodied in the Constitution is evident. Partly because of their devotion to this system, partly because of necessity, partly because of precedent, they made the government of the United States partly national, partly federal. "The foundation of the government of the United States," writes Madison in the thirty-ninth number of the *Federalist*, is "on the assent and ratification of the people of America, given by deputies elected for the special purpose; but, on the other, that this assent and ratification is to be given by the people, not as individuals composing one entire nation, but as composing the distinct and independent States to which they respectively belong. It is to be the assent and ratification of the several States, derived from the supreme authority in each State—the authority of the people themselves. The act therefore establishing the Constitution will not be a *national* but a *federal* act.

"That it will be a federal and not a national act, as these terms are understood by the objectors; the act of the people, as forming so many independent States, not as forming one aggregate nation, is obvious from the single consideration, that it is to result neither from the decision of a majority of the people of the Union, nor from that of a majority of the States. It must result from the unanimous assent of the several States that are parties to it, differing no otherwise from their ordinary assent than in its being expressed, not by the legislative authority, but by that of the people themselves. Were the people regarded in this transaction as forming one nation, the will of the majority of the whole people of the United States would bind the minority, in the same manner as the majority in each State must bind the minority; and the will of the majority must be determined either by a comparison of the individual votes, or by considering the will of the majority of the States, as

evidence of the will of a majority of the people of the United States. Neither of these rules has been adopted. Each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation then, the new Constitution will, if established, be a federal, and not a national Constitution.

"The next relation is to the sources from which the ordinary powers of government are to be derived. The House of Representatives will derive its powers from the people of America; and the people will be represented in the same proportion, and on the same principle, as they are in the legislature of a particular State. So far the government is national, not federal. The Senate, on the other hand, will derive its powers from the States, as political and coequal societies; and these will be represented on the principle of equality in the Senate, as they are now in the existing Congress. So far the government is federal, not national. The executive power will be derived from a very compound source. The immediate election of the president is to be made by the States in their political characters. The votes allotted to them are in a compound ratio, which considers them partly as distinct and coequal societies, partly as unequal members of the same society. The eventual election, again, is to be made by that branch of the legislature which consists of the national House of Representatives; but in this particular act they are to be thrown into the form of individual delegations, from so many distinct and coequal bodies politic. From this aspect of the government, it appears to be of a mixed character, presenting at least as many federal as national features.

"The difference between a federal and national government, as it relates to the operation of the government, is supposed to consist in this, that in the former the powers operate on the political bodies composing the Confederacy, in their political capacities; in the latter, on the individual citizens composing the nation, in their individual capacities.

On trying the Constitution by this criterion, it falls under the national, not the federal character; though perhaps not so completely as has been understood. In several cases, and particularly in the trial of controversies to which States may be parties, they must be viewed and proceeded against in their collective and political capacities only. So far the national countenance of the government on this side seems to be disfigured by a few federal features. But this blemish is perhaps unavoidable in any plan; and the operation of the government on the people, in their individual capacities, in its ordinary and most essential proceedings, may, on the whole, designate it, in this relation, a national government.

"But if the government be national with regard to the operation of its powers, it changes its aspect again when we contemplate it in relation to the extent of its powers. The idea of a national government involves in it, not only an authority over the individual citizens, but an indefinite supremacy over all persons and things, so far as they are objects of lawful government. Among a people consolidated into one nation, this supremacy is completely vested in the national legislature. Among communities united for particular purposes, it is vested partly in the general and partly in the municipal legislatures. In the former case all local authorities are subordinate to the supreme and may be controlled, directed or abolished by it at pleasure. In the latter, the local or municipal (State) authorities form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority, than the general authority is subject to them, within its own sphere. In this relation, then, the proposed government cannot be deemed a national one; since its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects. It is true that in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide (the Supreme Court), is to be established under the general government. But this does not

change the principle of the case. The decision is to be impartially made, according to the rules of the Constitution; and all the usual and most effectual precautions are taken to secure this impartiality. Some such tribunal is clearly essential to prevent an appeal to the sword and a dissolution of the compact; and that it ought to be established under the general rather than under the local governments, or, to speak more properly, that it could be safely established under the first alone, is a position not likely to be combated.

"If we try the Constitution by its last relation to the authority by which amendments are to be made, we find it neither wholly national nor wholly federal. Were it wholly national, the supreme and ultimate authority would reside in the majority of the people of the Union; and this authority would be competent at all times, like that of a majority of every national society, to alter or abolish its established government. Were it wholly federal, on the other hand, the concurrence of each State in the Union would be essential to every alteration that would be binding on all. The mode provided by the plan of the convention is not founded on either of these principles. In requiring more than a majority, and particularly in computing the proportion by States, not by citizens, it departs from the national and advances toward the federal character; in rendering the concurrence of less than the whole number of States sufficient, it loses again the federal and partakes of the national character.

"The proposed Constitution, therefore, is, in strictness, neither a national nor a federal Constitution, but a composition of both. In its foundation it is federal, not national; in the sources from which the ordinary powers of the government are drawn, it is partly federal and partly national; in the operation of these powers, it is national, not federal; in the extent of them, again, it is federal, not national; and, finally, in the authoritative mode of introducing amendments, it is neither wholly federal nor wholly national."

Evidently at the very beginning of the movement for a more perfect Union and while yet that Constitution under which that more perfect Union was to be sought was a proposition before the people, they who had led in that movement, and Madison was among the foremost, looked upon the Constitution as a composite instrument and upon the government, of which it was the general plan, as a composite government, partaking now of national, now of federal qualities, now of both, and the whole woven together in a complicated pattern. Moreover, Madison, "the Father of the Constitution," interpreted that instrument as leaving a residuary and inviolable sovereignty to the States and as being a compact. He also interpreted the Constitution as being supreme within its own sphere. There was therefore in theory a nice balance of parts, federal against national, national against federal, and leaving to the several States large and necessary functions closely approaching if they did not comprise those of a sovereign nature.

With this delicate balancing of parts in its composition, the fate and character of the government of the United States was bound to be determined by administration—and by administration is understood, actual operation and practical interpretation. Franklin had told the Federal Convention at the last moment before the signing of the Constitution that its history would depend, like other governments, upon its administration. And it is the element of administration which the Fathers could not anticipate. They framed a system of government based on republican principles, closely following the precedents in the State constitutions and as they believed "adapted to such a country as ours." They could lay down and in their writings the most eminent of them did lay down what they considered the true theory of the government and the principles according to which it should be administered. Lincoln, in the Cooper Institute speech, examined the attitude of the signers of the Constitution relative to the question of Federal control over slavery in Federal territory and proved

that the majority of them favored and actually voted for such control. Because of this attitude he appealed to the country to return to the principles of the Fathers. The secessionists named other causes for secession than the attitude of the North toward slavery and the election of Lincoln to the presidency on a platform hostile to the extension of slavery; and chiefly, that the North had departed from the principles of the founders of the government in favoring what was called in 1860, and through all the preceding years down to the time of the Federal Convention, a "consolidated government." But if Madison can be trusted, he did not interpret the Constitution as the instrument of a consolidated government. The *Federalist* in many passages denies this charge and takes other ground, namely, that the General government would always be in greater danger from the States than the States from the General government.

While the Constitution was before the people of the States for ratification, the Conventions of Connecticut, New Jersey, Delaware and Georgia ratified without suggesting amendments and none came from the Pennsylvania Convention, though the opponents of ratification, convened at Harrisburg, suggested twelve. From the remaining States came many so that in the aggregate the proposed amendments numbered one hundred and forty-five, and the Bills of Rights, ninety-three, all of which, without exception, in one way or another directly expressed or favored limitation of the powers of the General government. It was out of this mass that Congress, at its first session under the Constitution, through the committee of which Madison was chairman, selected twelve amendments, which were submitted to the States and of which ten were ratified. During the discussion of ratification of the Constitution the question of sovereignty came up frequently. Patrick Henry, in the Virginia Convention, June 4, 1788, declared: "'We the People'? My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask, who

authorized them to speak the language of, 'We the People,' instead of We the States? States are the characteristics and the soul of a confederation. If the States be not the agents of the compact, it must be one great consolidated national government of the people of all the States." Of different nature was Hamilton's thought. Said he in the New York Convention while the Constitution was under consideration: "Gentlemen indulge too many unreasonable apprehensions of danger to the State governments; they seem to suppose that the moment you put men into a national council, they become corrupt and tyrannical, and lose all their affection for their fellow-citizens. But can we imagine that the Senators (of the United States) will ever be so insensible of their own advantages as to sacrifice the genuine interest of their constituents? The State governments are essentially necessary to the form and spirit of the general system. As long, therefore, as Congress has a full conviction of this necessity, they must, even upon principles purely national, have as firm an attachment to the one as to the other. While the Constitution continues to be read, and its principles known, the States must, by every rational man, be considered as essential, component parts of The Union; and therefore the idea of sacrificing the former to the latter is inadmissible." But he also said, in the same connection: "Whatever constitutional provisions are made to the contrary, every government will be at least driven to the necessity of subjecting the partial to the universal interest. The gentlemen ought always in their reasoning to distinguish between the real, the genuine good of the State, and the opinions and prejudices which may prevail respecting it; the latter may be opposed to the general good, and consequently ought to be sacrificed; the former is so involved in it that it can never be sacrificed. . . . With regard to the jurisdiction of the two governments, I shall certainly admit that the Constitution ought to be so formed as not to prevent the States from providing for their own existence; and I maintain that it is so formed; and that their power

of providing for themselves is sufficiently established. This is conceded by one gentleman, and in the next breath the concession is retracted. He says that Congress has but one exclusive right in taxation—that of duties on imports; certainly then, their other powers are only concurrent. But to take off the force of this obvious conclusion, he immediately says that the laws of the United States are supreme; and that where there is one supreme there cannot be a concurrent authority; and further, that where the laws of the Union are supreme, those of the States must be subordinate; because there cannot be two supremes. This is curious sophistry. That two supreme powers cannot act together is false. They are inconsistent only when aimed at each other or at one indivisible object. The laws of the United States are supreme, as to all their proper constitutional objects; the laws of the States are supreme in the same way. These supreme laws may act on different objects without clashing; or they may operate on different parts of the same common object with perfect harmony. . . . The Constitution is framed upon truly republican principles; and as it is expressly designed to provide for the common protection and the general welfare of the United States, it must be utterly repugnant to this Constitution to subvert the State governments." These words were spoken on the 24th of June, 1788.

In the Virginia ratifying Convention, George Mason, one of the framers of the Constitution at Philadelphia but who had refused to sign it, opposed its ratification, and taking up the article which gives the Supreme Court jurisdiction over cases arising out of "controversies between a State and citizens of another State" declared his fears that under this provision a sovereign State might be made defendant by the citizen of another State. John Marshall quickly corrected the apprehension, saying, "It is not rational to suppose that a sovereign power should be dragged before a court." Hamilton took up the same line of rejoinder in the *Federalist*, saying, "It is inherent in the nature of sovereignty not to

be amenable to the suit of an individual without its own consent. This is the general sense, and the general practice of mankind; and the exemption, as one of the attributes of sovereignty, is now enjoyed by the government of every State in the Union."

That the Constitution was adopted with the understanding that a sovereign State cannot be sued in a Federal Court is evident, but it was not until 1792 that Alexander Chisholm, a citizen of South Carolina, brought suit against the State of Georgia in the Supreme Court of the United States and the question received its first judicial interpretation. James Wilson, one of the associate justices of the court, and one of the framers of the Constitution, handed down the decision, his opinion being an elaborate discussion of the question, *Do the People of the United States form a Nation?* His conclusion was that sovereignty vested in the United States and that by the Constitution the Supreme Court had jurisdiction over every State in the Union; in which opinion John Jay, the chief justice, in an equally elaborate opinion, coincided. But the alarming doctrine was not suffered to pass without protest from Mr. Justice Iredell, who in a lengthy and very learned opinion declared, "Every State in the Union in every instance where its sovereignty has not been delegated to the United States, I consider to be as completely sovereign as the United States are in respect to the powers surrendered. The United States are sovereign as to all the powers of government actually surrendered; each State in the Union is sovereign as to all the powers reserved. It must necessarily be so because the United States have no claim to any authority but such as the States have surrendered to them." His conclusion was that the United States had no jurisdiction and that a sovereign State cannot be sued. It is interesting to note that the doctrine of national sovereignty was interpreted by Northern members of the Supreme Court: Jay, of New York; Wilson, of Pennsylvania; and that the doctrine of State sovereignty was interpreted by a Southern member, Iredell, of North Carolina.

In the ratifying convention of his State, Iredell had supported the Constitution, and it was chiefly because of that support that Washington appointed him an associate justice of the Supreme Court.

The decision in the Chisholm case was handed down February 8, 1793. On the following day Sedgwick, of Massachusetts, gave notice in the House of Representatives that he proposed introducing a resolution for amending the Constitution so that the States should be protected from being sued in Federal courts. It passed Congress on the fourth of March, the following year, and after being before the State Legislatures nearly three years, was ratified by them and became a part of the Constitution, as the Eleventh Amendment, January 8, 1798. It was a triumph of the State sovereignty party and was supposed to put to perpetual silence all doubts on the point which it was enacted to cover. It was this decision of Mr. Justice Iredell which became the constitutional foundation of the Democratic party as a States Rights (State Sovereignty) party. It was the constitutional basis, which was strengthened and completed by the Eleventh Amendment, of the conviction of the South, as declared by South Carolina in its Declaration of 1860, that the States were sovereign. Yet Chief Justice Jay and Mr. Justice Wilson, whose opinions were the opinion of the Court, made the interpretation of national sovereignty to which the slowly developing national sentiment responded. From the time of Wilson's decision till the Civil War the debate on sovereignty ran on and no piece of legislation escaped classification as either supporting or tending to weaken the doctrine of State sovereignty.

In proof of State sovereignty, South Carolina, in her Declaration of Causes for Secession, cited the cases of Rhode Island and North Carolina after the ratification of the Constitution by the remaining States, and its inauguration as a working government. The Declaration asserts that these two States "during that interval each exercised the functions of an independent nation." The assertion is not warranted

by the facts. Contemporary evidence fails to show that either State contemplated exercising any such functions; on the contrary it proves conclusively that refusal to ratify was due to no purpose of North Carolina to remain out of the Union but to secure amendments to the Constitution compatible with local politics; the delay of the State to ratify was due more to hostility between factions within the State than to hostility of either faction to the Constitution. In Rhode Island opposition to ratification was among the State officials and not among the people: the case was of the office-holders refusing to do what the voters wanted done; the State was in much the same situation as North Carolina, divided into hostile factions. "We cannot know," says Alexander Johnston, "how far Rhode Island was influenced by unofficial propositions to carve up her territory between Massachusetts and Connecticut, or how far North Carolina was influenced by official propositions in Congress to suppress or restrain her commerce with the neighboring States." That the United States forbore to exercise its sovereign authority toward Rhode Island and North Carolina is not evidence that they were "each an independent nation;" and the fact that both States ratified the Constitution without amendment tends to establish the proposition that their delay in ratifying was not due in either case to a conviction that each was an independent nation. The case of these States goes far to establish the proposition that the claims of the States to sovereignty, in the eighteenth century, were bits of verbiage rather than governmental facts. The use of the word "sovereign" is very loose with speakers and writers in the early days of the United States, and it accords closely with the facts of civil development in the United States if we accept the term "sovereign," as thus applied, as a synonym for any of that group of words now commonly used to describe the authority of a State to execute its laws. Madison uses the term "residuary sovereignty," a phrase impossible to conceive in thought and yet a phrase which still lingers in the decisions of the Supreme

Court of the United States. For it is clear that it is impossible to conceive of sovereignty in the United States and residuary sovereignty in the States: philosophically there can be no such thing as residuary sovereignty, and the term as employed by American statesmen must be accepted in a political sense as a rather unfortunate synonym for a rather vague idea. It is presumptuous to attempt to define an idea which has defied definition in certain quarters, but historically, the term "residuary sovereignty," from the time of the *Federalist* has meant no more than a power in a State delegated by the will of its people and under the American system of government fully exercisable upon them alone, save with the consent of persons, or their representatives, outside of the State, upon whom its exercise is desired and attempted. But this is not sovereignty: it is what Madison would call, "municipal government."

State sovereignty as a legal entity was recognized by the Eleventh Amendment, yet it derived little significance from the amendment: it owed its vitality to its adoption as a working political principle in the hands of the Democratic party and ultimately became, like the support of slavery, an asset of that party. As soon as slavery was given up at the North we have seen that it became a sectional institution, or as Lincoln and the North called it, a "domestic" institution. It was easy to associate slavery with the full power of the State and thus to associate it with State sovereignty. In the same way the North might have associated freedom and free soil with State sovereignty, but the association was unnecessary, for the North came, though slowly, to associate freedom with nationality, proclaiming slavery as sectional and, like the South, identifying State sovereignty with it. As slavery in one way or another precipitated all the controversies over State sovereignty, the absence of slavery at the North eliminated the North from such controversies with the General government, the claim to State sovereignty made in the constitutions of Massachusetts and New Hampshire quite losing any significant meaning in the

public mind. Rather paradoxically, no Southern State inserted in its constitution, as did Massachusetts, the claim of being "free, sovereign and independent;" but politics and the administration of affairs at the South fully supplied and kept the idea alive, while politics and the administration of affairs at the North suffered the idea to fade and die. Rather curiously, the last constitution framed in America which defined the State as "free, sovereign and independent" was in a Northern State—Kansas, but this was the slave constitution of 1858 which never became the organic law of the State. Its source—the minds of pro-slavery delegates, natives of slaveholding States—explains how persistently ideas dominated men who associated slavery with an idea they believed would give the institution security and permanency. It was not, however, until after 1840 that slavery and State sovereignty thus allied themselves and became an essential part of the political estate of the South. But that the founders of the Republic were familiar with the phrase "State sovereignty" and that they believed that each State possessed functions and powers, as Hamilton says, "supreme within the State," cannot be doubted. Neither can it be doubted that the Articles of Confederation failed as a plan or constitution of government chiefly because of the lack of sovereign powers. Complicated as was the process by which these powers, or any of them, were set forth directly or by implication in the Constitution of the United States, under the test of administration the nature of the government of the United States gradually disclosed itself.

It was out of the doctrine of State sovereignty that the doctrine of secession grew. The one was the natural parent of the other. If the States were truly sovereign, then the right of secession from any Union they might make was inherent and incidental. Elbridge Gerry used the word secession in the Federal Convention, July 5, 1787, as descriptive of the alternative to Union: if the States agreed a Union would result; but a secession, if they disagreed. In a sense, the States all seceded from the old Confederation,

because they agreed to its dissolution, their agreement taking effect by the very act of ratifying the new Constitution. But at the moment of ratifying the Constitution, the act was a national movement: Gouverneur Morris plainly though baldly stating the principle working at the time when he said, partly in reply to Gerry, "This country must be united; if persuasion does not unite it, the sword will." Had he declared that Union, a national Union, was an economic necessity in America he would have declared the same working principle in different words.

The Fathers described conditions, and formulated their concepts of government in the language of politics rather than that of economics; in 1676 English statesmen would have formulated their concepts of government in the language of theology. At the present time, as new constitutions of the States are formed, the concepts of government are expressed more in the language of economics than ever before.

State sovereignty ideas emerged in American politics as a strict construction view of the Constitution: that the government of the United States was of limited powers, under compact with sovereign States. The first formulation of this political doctrine grew out of opposition to the alien and sedition laws; the first, two acts, passed June 25 and July 6, 1798; the second, July 14th. The second of the alien laws empowered the president to order out of the country persons who were considered dangerous aliens engaged in treasonable plans. The act at once roused the State sovereignty party to protest and opposition, on the ground that the act violated the constitutional rights of citizens of the States and also interfered with the rights of the States to import slaves till 1808. The act was construed as being directly in conflict with the State constitutions.

To define what they believed to be the true view of the Constitution, Jefferson and Madison prepared a series of resolutions, the one, written by Jefferson, presented by George Nicholas in the Kentucky Legislature and carried

there November 19, 1798; the other, by Madison and presented in the Virginia Legislature by John Taylor, and passed there on December 21st. The resolutions were sent by the governors of Kentucky and Virginia to the other States. On November 14, 1799, the Kentucky Legislature amended its resolutions of the year before.

The Kentucky Resolutions of 1798 declared that the States composing the United States were not united on the principle of unlimited submission to their General government, but that by compact under the style and title of a Constitution for the United States and of amendments to that instrument, they constituted a General government for special purposes, delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and whosoever the General government assumes undelegated powers, its acts are unauthorized, void and of no force. That to this compact each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party; that the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress. Having thus stated the working principle of constitutional interpretation, the Resolutions pronounced the alien acts and also an act to punish frauds on the Bank of the United States "altogether void and of no force, and that the power to create, define and punish such other crimes is reserved and of right pertains solely and exclusively to the respective States, each within its own Territory." Powers not delegated to the United States were reserved to the States and that among these reserved powers were the freedom of religion, of speech and of the press—in interference with which the alien laws were construed, under the

Resolutions, as violating the State constitutions; the acts complained of "are not authorized by the Federal Compact."

The Virginia Resolutions protested against the acts as "palpable and alarming infractions of the Constitutions"; as exercising "a power nowhere delegated to the Federal Government" and which subvert the general principles of free government. Virginia therefore appealed to the other States in confidence that they would concur in declaring the acts unconstitutional.

The second Kentucky Resolutions, November 14, 1799, went further. The State declared its attachment to the Union and declared that it would "be among the last to seek its dissolution but if those who administer the General Government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of powers therein contained, an annihilation of the State Governments, and the creation on their ruins of a General Consolidated Government, will be the inevitable consequence: that the principle and construction contended for by sundry of the State legislatures, that the General Government is the exclusive judge of the extent of the powers delegated to it, stop nothing (short) of despotism—since the discretion of those who administer the government, and not the Constitution, would be the measure of their powers. That the several States who formed that instrument being sovereign and independent have the unquestionable right to judge of the infraction; and, that a Nullification by those sovereignties of all unauthorized acts done under color of that instrument is the rightful remedy."

Delaware, Rhode Island, Massachusetts, New York, Connecticut, New Hampshire and Vermont sent formal replies to the Resolutions, disapproving their spirit and purpose, the substance of all the replies being to deny the competency of any State Legislature "to judge of the acts and measures of the Federal Government." These replies from the States were all given before the second Kentucky Resolutions were adopted—that is, before the formal utterance of the

doctrine of nullification. To these replies of the States, Madison made rejoinder in his Report of 1800 as chairman of the Committee of the Virginia Assembly to whom the replies had been referred. That report together with the resolutions themselves are known as "the doctrine of 1798."

The Resolutions taught the doctrine that the Constitution is a compact between sovereign States; that the General government was one of limited powers strictly defined in the Constitution, and that in case of infractions of the Constitution a nullification by these sovereignties of all unauthorized acts was the rightful remedy.

Jefferson explained what he understood to be the ultimate arbiter, in a letter to Associate Justice Johnson, June 12, 1823: "The ultimate arbiter is the people of the Union, assembled by their deputies in convention, at the call of Congress, or of two-thirds of the States. Let them decide to which they mean to give an authority claimed by two of their organs." In other words, Jefferson and Madison, in 1798, through the Kentucky and Virginia Resolutions, taught the doctrine of State sovereignty, but the nullification also taught was the nullification by the States of Federal acts which in the judgment of the States violated the State constitutions; nullification was the power in the hands of the States, according to Jefferson, to protect them in their local government. Had the doctrine of nullification gone no further, it would have signified practically no more than an assertion, common in the writings of Hamilton, and especially in his contributions to the *Federalist*, that the United States and the States were supreme each within their own spheres. So long as the question in dispute was strictly a State question, nullification could have no great significance, but as soon as the States, or any section of the Union divided over slavery, then the doctrine of nullification passed beyond mere State boundaries, because though slavery was a domestic institution, it demanded extension into Federal territory and the protection of the Federal government. Under Jefferson and Madison's interpretation, nullification was a negative

remedy; but under the supporters of slavery, and when John C. Calhoun became chief, it became a positive remedy. This is evident as soon as slavery becomes a national issue—that is, after 1840.

But before this time nullification and its proposed practical application, secession, insinuated themselves into public debate and the discussions of political conventions. Neither Jefferson nor Madison was a secessionist, yet the doctrine which they enunciated in the Virginia and Kentucky Resolutions—the “doctrine of '98” is the first letter in the alphabet of secession.

The first enunciation of the right of secession occurs in Tucker's edition of Blackstone, 1803, in which the editor, a distinguished Virginian, declares:

“The Federal government, then, appears to be the organ through which the united republics communicate with foreign nations and with each other. Their submission to its operation is voluntary; its councils, its engagements, its authority is an emanation from theirs, not a flame by which they have been consumed, nor a vortex in which they are swallowed up. Each is still a perfect state, still sovereign, still independent, and still capable, should occasion require, to resume the exercise of its functions, as such, to the most unlimited extent. But, until the time shall arrive when the occasion requires a resumption of the rights of sovereignty by the several States (and far be that period removed when it shall happen), the exercise of the rights of sovereignty by the States individually is wholly suspended, or discontinued, in the cases before mentioned; nor can that suspension ever be removed, so long as the present Constitution remains unchanged, but by the dissolution of the bonds of union: an event which no good citizen can wish, and which no good or wise administration will ever hazard.”

The next support of secession ideas came from Massachusetts. The Federalist party had opposed the purchase of Louisiana, partly because it was advocated by their opponents, the Democratic-Republicans, partly because the

purchase would ultimately extend the Union, disturb the balance of power east of the Mississippi and relegate New England to secondary influence in public affairs. When, in January, 1811, the bill for the admission of Louisiana as a State was before Congress, Josiah Quincy, of Massachusetts, in the House of Representatives, on the 11th, said:

"The principle of the bill materially affects the liberties and rights of the whole people of the United States. To me it appears that it would justify a revolution in this country, and that in no great length of time it may produce one. . . . I am compelled to declare it as my deliberate opinion, that, if this bill passes, the bonds of this union are, virtually, dissolved; that the States which compose it are free from their moral obligations, and that as it will be the right of all, so will it be the duty of some, to prepare, definitely, for a separation: amicably, if they can; violently, if they must."

This utterance was grounded on the conviction of many Federalists, Quincy among the number, that the Union was a partnership between the States and that to admit a new partner without the concurrence of the others was sufficient cause for dissenting members to abandon the partnership. So Quincy asserted that the admission of Louisiana "would be a virtual dissolution of the Union," that it would "destroy the political equipoise contemplated at the time of forming the contract (the Constitution)."

The New England Federalists were opposed to the War of 1812 and the policy of Madison's administration. For ten years New England had been out of sympathy with the policy pursued at Washington. Jefferson's election to the presidency meant the nationalization of democracy and the overthrow of the Federalist party. Jefferson's policy, and particularly his Embargo, was offensive to many in New England. Opposing sentiment culminated in the Convention at Hartford, Connecticut, which assembled December 15, 1814, consisting of delegates from the legislatures of Massachusetts, Connecticut, Rhode Island, and from two

counties of New Hampshire and one of Vermont. It sat behind closed doors and expressed its convictions in a report, in the course of which it said: "If the Union be destined to dissolution, by reason of the multiplied abuses of bad administrations, it should, if possible, be the work of peaceable times, and deliberate consent. Some new form of Confederacy should be substituted among those States which shall intend to maintain a Federal relation to each other. Events may prove that the causes of our calamities are deep and permanent. They may be found to proceed, not merely from the blindness of prejudice, pride of opinion, violence of party spirit, or the confusion of the times; but they may be traced to implacable combinations of individuals, or of States, to monopolize power and office, and to trample without remorse upon the rights and interests of commercial sections of the Union.

"Whenever it shall appear that these causes are radical and permanent, a separation by equitable arrangement will be preferable to an alliance by constraint, among nominal friends but real enemies, inflamed by mutual hatred and jealousies, and inviting by intestine divisions, contempt and aggression from abroad. But a severance of the Union by one or more States, against the will of the rest, and especially in a time of war, can be justified only by absolute necessity."

And in another passage:

"That acts of Congress in violation of the Constitution are absolutely void is an undeniable position. It does not, however, consist with the respect and forbearance due from a confederate State toward the General Government, to fly to open resistance upon every infraction of the Constitution. The mode and the energy of the opposition should always conform to the nature of the violation, the intention of its authors, the extent of the injury inflicted, the determination manifested to persist in it, and the danger in delay. But in cases of deliberate, dangerous, and palpable infractions of the Constitution, affecting the sovereignty of a State, and

liberties of the people; it is not only the right but the duty of such a State to interpose its authority for their protection, in the manner best calculated to secure that end. When emergencies occur which are either beyond the reach of the judicial tribunals, or too pressing to admit of the delay incident to their forms, States, which have no common umpire, must be their own judges, and execute their own decisions." This language is strikingly like that of the second Kentucky Resolutions of 1799. Whatever else this language may prove, thus emanating from the North and the South, in the early years of the government, it establishes the fact that the notion of State sovereignty was widely distributed in these early years and that nullification found advocates in New England as well as in Kentucky. It proves the apparent feebleness of the national idea at the time.

But threats of dissolution of the Union from the South and warnings from the North did not cease with the publication of the proceedings of the Hartford Convention. In 1825, William Rawle, a distinguished lawyer of Philadelphia, published "A View of the Constitution of the United States," the first treatise of the kind. In the concluding chapter, on "The Permanence of the Union," occurs the following:

"The Union is an association of the people of republics.

"The principle of representation, although certainly the wisest and best, is not essential to the being of a republic, but to continue a member of the Union, it must be preserved, and therefore the guarantee must be so construed. It depends on the State itself to retain or abolish the principle of representation, because it depends on itself whether it will continue a member of the Union. To deny this right would be inconsistent with the principle on which all our political systems are founded, which is, that the people have in all cases a right to determine how they will be governed. The right must be considered as an ingredient in the original composition of the General Government, which, though not expressed, was mutually understood, and the doctrine

heretofore presented to the reader in regard to the indefeasible nature of personal allegiance, is so far qualified in respect to allegiance to the United States. It was observed that it was competent for a State to make a compact with its citizens, that the reciprocal obligations of protection and allegiance might cease on certain events; and it was further observed, that allegiance would necessarily cease on the dissolution of the society to which it was due.

"The States then may wholly withdraw from the Union, but while they continue, they must retain the character of representative republics. Governments of dissimilar forms and principles cannot long maintain a binding coalition.
. . . We are associated as republics.

"If, among the improbable events of future times, we shall see a State forgetful of its obligation to refer its controversies with another State to the judicial power of the Union, endeavor by force to redress its real or imaginary wrongs, and actually invade the other State, we shall perceive a case in which the supreme power of the Union may justly interfere; perhaps we may say, is bound to do so.

"The secession of a State from the Union depends on the will of the people of such State. The people alone, as we have already seen, hold the power to alter the Constitution. The Constitution of the United States is to a certain extent incorporated into the constitutions of the several States by the act of the people. The State legislatures have only to perform certain organisational operations in respect to it. To withdraw from the Union comes not within the general scope of their delegated authority. There must be an express provision to that effect inserted in the State constitutions. This is not at present the case with any of them, and it would perhaps be impolitic to confide it to them. A matter so momentous ought not to be entrusted to those who would have it in their power to exercise it lightly and precipitately upon sudden dissatisfaction, or causeless jealousy, perhaps against the interests and the wishes of a majority of their constituents.

"But in any manner by which a secession is to take place, nothing is more certain than that the act should be deliberate, clear and unequivocal. The perspicuity and solemnity of the original obligation require correspondent qualities in its dissolution. The powers of the General Government cannot be defeated or impaired by an ambiguous or implied secession on the part of any State, although a secession may perhaps be conditional. The people of the State may have some reasons to complain in respect to acts of the General Government; they may in such cases invest some of their own officers with the power of negotiation, and may declare an absolute secession in case of their failure. Still, however, the secession must in such case be distinctly and peremptorily declared to take place on that event, and in such case, as in the case of an unconditional secession, the previous ligament with the Union would be legitimately and fairly destroyed. But in either case the people is the only moving power.

"To withdraw from the Union is a solemn, serious act. Whenever it may appear expedient to the people of a State, it must be manifested in a direct and unequivocal manner. If it is ever done indirectly, the people must refuse to elect representatives, as well as to suffer their legislature to reappoint senators. The senator whose time has not yet expired must be forbidden to continue in the exercise of his functions.

"But without plain, decisive measures of this nature, proceeding from the only legitimate source, the people, the United States cannot consider their legislative powers over such States suspended, nor their executive or judicial powers any way impaired, and they would not be obliged to desist from the collection of revenue within such State.

"As to the remaining States among themselves, there is no opening for a doubt. Secession may reduce the number to the smallest integer admitting combination. They would remain united under the same principles and regulations among themselves that now apply to the whole. For a State cannot be compelled by other States to withdraw from the

Union, and therefore, if two or more determine to remain united, although all the others desert them, nothing can be discovered in the Constitution to prevent it.

"The consequences of an absolute secession cannot be mistaken, and they would be serious and afflicting. The seceding State, whatever might be its relative magnitude, would speedily and distinctly feel the loss of the aid and countenance of the Union. The Union, losing a proportion of the national revenue, would be entitled to demand from it a proportion of the national debt. It would be entitled to treat the inhabitants and the commerce of the separated State, as appertaining to a foreign country. In public treaties already made, whether commercial or political, it could claim no participation, while foreign powers would unwillingly calculate, and slowly transfer to it, any portion of the respect and confidence borne toward the United States. Evils more alarming may readily be perceived. The destruction of the common band would be unavoidably attended with more serious consequences than the mere disunion of parts. Separation would produce jealousies and discord which in time would ripen into mutual hostilities, and while our country would be weakened by internal war, foreign enemies would be encouraged to invade with the flattering prospect of subduing in detail, those whom, collectively, they would dread to encounter.

"We may contemplate a dissolution of the Union in another light, more disinterested but not less dignified, and consider whether we are not only bound to ourselves but to the world in general, anxiously and faithfully to preserve it. The first example which has been exhibited of a perfect self-government, successful beyond the warmest hopes of its authors, ought never to be withdrawn while the means of preserving it remain.

"If in other countries, and particularly in Europe, a systematic subversion of the political rights of man shall gradually overpower all national freedom, and endanger all political happiness, the failure of our example should not be

held up as a discouragement to the legitimate opposition of the sufferers; if, on the other hand, an emancipated people should seek a model on which to frame their own structure, our Constitution, as permanent in its duration as it is sound and splendid in its principles, should remain to be their guide.

"In every aspect therefore which this great subject presents, we feel the deepest impression of a sacred obligation to preserve the Union of our country; we feel our glory, our safety and our happiness involved in it; we unite the interests of those who coldly calculate advantages with those who glow with what is little short of filial affection; and we must resist the attempt of its own citizens to destroy it, with the same feelings that we should avert the dagger of the parricide."

It appears then that down to 1825, the question of the right of secession was an academic one, speculative, debatable, with high authority inclining to the conclusion that the right existed in the nature of the Constitution and of the sovereign States which had created the Union. It appears also that in 1825, argument to prove the abstract right of secession was likely to be met by argument against its expediency: that the loss would not be compensated for by possible gain if the Union should be dissolved.

But there were causes operating in the country which were to affect the judgment of men on the whole question through all its ramifications. Jefferson, the first Democratic president, came into office as the leader of a States-rights party, but no sooner was that party put in possession of the government than it hastened to adopt and to execute a national policy. The War of 1812 was a national, not a State-sovereignty act, fought against the will of New England and perhaps of New York. And the immediate consequences of that war were national. The Northwest ceased to be an inaccessible frontier and the tide of immigration began from the older Northern States westward. Ohio, Indiana, Illinois, Michigan, had no traditions of State sovereignty, for they owed their existence to an act of the United

States. It was in an immediate attempt to respond to the necessities of the Northwest that the cry for internal improvements went up directly after the war. Facilities for reaching the West were demanded and the General government was the accessible power and agency to provide them. Thus the people of the new West became broad constructionists, quite oblivious to the fine-spun constitutional arguments of President Monroe when he vetoed the bill for the Cumberland Road, May 4, 1822. The question of inter-communication, the East with the West, began to assume national proportions and found a friend and leader in Henry Clay. Such improvements at national expense he had advocated as early as 1807, but the agitation, the excitement, the thinking among the people which a war causes seems to have been necessary before Clay's policy of internal improvements could get a national hearing. That hearing was readily granted after the War of 1812, but to build internal improvements necessitated an adequate revenue for the purpose, and this in turn called for taxation. Thus arose the struggle over the tariff. Clay's policy—often a variable star—called for money which he believed could most easily, abundantly and satisfactorily be raised by a duty on imports: but at once the question arose—A duty for revenue only? Or also for protection and the encouragement of American manufactures?

In 1791, Hamilton, in compliance with a request of Congress, made his famous report on manufactures, in which may be found the whole argument for a protective tariff. Washington, on July 4, 1789, affixed his signature to the first tariff law of the United States, which was primarily to raise revenue but was slightly protective. During the next twenty-five years, seventeen tariff laws were passed and in all the tendency was toward higher duties. Passing by the arguments for and against the protective system, it is sufficient to record that the tariff act of 1816 made the government at least a protective partner with the manufacturing class and was the beginning of the reliance of that

class from that day to this on Congressional legislation to make their business safe and profitable. The General government thus began its alliance with American manufacturers. The War of 1812 stimulated manufactures and the tariff act of 1816 was supported by Calhoun and other Southern representatives so that the owners of factories should not be ruined, their workmen dispersed or turned to other pursuits and the country suffer great loss: this was Calhoun's argument. Webster, who was not at the outset of his career a protectionist said that the tariff of 1816 was a Southern measure.

New England was not at this time protectionist; the South was protectionist; but the manufacturers speedily demanding higher protection, new tariff measures were proposed and that of 1824 was passed. At this time England was halting in her protective system and about to repeal the corn laws. The panic of 1825 due to over-production, the abuse of credit, the expansion of paper circulation, stirred the protectionists to demand yet higher duties and New England began transforming herself from an agricultural into a manufacturing community, with consequent conjunction with the protectionist forces. Webster too abandoned his free-trade opinions and became spokesman for New England protectionism. It was at this time that the South demurred and entered into what proved to be a course of opposition to the tariff, culminating in 1860, in the declaration, by South Carolina, that the tariff laws were a cause of its secession from the Union.

At Harrisburg, in July, 1827, there assembled a convention of American manufacturers—though the South was not represented—who demanded a new tariff act and higher duties. Out of this demand, which at once became a political question, grew the tariff of 1828, known as "the tariff of abominations." The legislature of South Carolina protested against the passing of the bill, and the law became the immediate cause of the nullification movement at the South.

The South was slaveholding and agricultural, not manufacturing, and the tariff of 1828 was enacted for the advantage of manufacturers. Of course, advocates of the law assured the country that its operation would protect all American interests, producer, manufacturer, consumer. The South construed the law as a special tax contrived for the exclusive benefit of the North, and therefore discriminating against the South. The slaveholding system of the South shut that section off from the rest of the world and prevented it from competing with manufacturing communities. At the North slavery had disappeared and free labor was inventive and profitable. There was no profit to the South in protection; in order to profit by the protective system she must abandon slavery: she preferred slavery and went into bitter and hostile opposition to the protective system—utilizing the theory of State sovereignty and its product, nullification, in defense of her new position. Jefferson had devised nullification, and the Hartford Convention had cited it as a remedy for Federal violation of State constitutional rights; but now, driven along by slavery, the Southern leaders, Calhoun at their head, fell back on nullification as the proper remedy to attack the tariff—that is, to defend slavery by attacking the tariff.

During the summer of 1828, Calhoun wrote the most elaborate account and defense of nullification extant, which was adopted by the South Carolina legislature and formally reported the following winter by a committee of that body as the "South Carolina Exposition." The hostility of the South, and particularly of South Carolina, led the protectionists, through Henry Clay, to bring forward a compromise tariff bill, the act to go into effect March 3, 1833. Meanwhile, in November, of the preceding year, South Carolina assembled in convention at Columbia and formally passed the ordinance of nullification which declared that the tariff acts of 1828 and 1832 were null and void, that they were not law and were not binding on the officers or the citizens of the State; the ordinance prohibited the payment

of duties under either law, made any appeal to the Supreme Court of the United States as to the validity of the ordinance a contempt of the State Court from which the appeal was taken, ordered every office holder and juror in the State to take oath to support the ordinance and warned the country that,

"We, the people of South Carolina, to the end that it may be fully understood by the Government of the United States, and the people of the co-States, that we are determined to maintain this, our ordinance and declaration, at every hazard, do further declare that we will not submit to the application of force, on the part of the Federal Government, to reduce this State to obedience; but that we will consider the passage, by Congress, of any act authorizing the employment of a military or naval force against the State of South Carolina, her constituted authorities or citizens; or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports, or any other act on the part of the Federal Government, to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared null and void, otherwise than through the civil tribunals of the country, as inconsistent with the longer continuance of South Carolina in the Union: and that the people of this State will thenceforth hold themselves absolved from all further obligation to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate Government and do all other acts and things which sovereign and independent States may of right do."

The State, then, through its legislature and governor, proceeded to put itself in order for war.

President Jackson determined to execute the Federal laws and caused special instruction to be given to the collector at Charleston to seize vessels entering the port, to collect the duties and to resist attempts against such vessels. General

Scott, commanding the armies of the United States, was ordered to Charleston, and a naval force also, to support the collector.

On December 10th, the president issued a proclamation to the people of South Carolina, which he assured them was "a full exposition to South Carolina and the nation of the views I entertain of this important question, as well as a distinct enunciation of the course which my sense of duty will require me to pursue.

"The ordinance (of nullification) is founded, not on the indefeasible right of resisting acts which are plainly unconstitutional, and too oppressive to be endured, but on the strange position that any one State may not only declare an act of Congress void, but prohibit the execution; that they may do this consistently with the Constitution; that the true construction of that instrument permits a State to retain its place in the Union and yet be bound by no other of its laws than those it may choose to consider as constitutional.

"I consider then the power to annul a law of the United States assumed by one State, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it is founded, and destructive of the great object for which it was formed.

"This right to secede is deduced from the nature of the Constitution, which, they say, is a compact between sovereign States, who have preserved their whole sovereignty, and, therefore, are subject to no superior; that, because they made the compact, they can break it when, in their opinion, it has been departed from by the other States. Fallacious as this course of reasoning is, it enlists State pride, and finds advocates in the honest prejudices of those who have not studied the nature of our Government sufficiently to see the radical error on which it rests.

"The people of the United States formed the Constitution, acting through the State Legislatures in making the

compact, to meet and discuss its provisions, and acting in separate Conventions when they ratified those provisions: but the terms used in its construction show it to be a government in which the people of all the States collectively are represented.

"The Constitution of the United States then forms a government, not a league; and whether it be formed by compact between the States, or in any other manner, its character is the same. It is a government in which all the people are represented, which operates directly on the people individually, not upon the States—they retained all the power they did not grant. But each State having expressly parted with so many powers as to constitute, jointly with the other States, a single nation, cannot, from that period, possess any right to secede, because such secession does not break a league, but destroys the unity of a nation; and any injury to that unity is not only a breach which would result from the contravention of a compact, but it is an offence against the whole Union. To say that any State may at pleasure secede from the Union, is to say that the United States are not a nation, because it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts, to their injury or ruin, without committing any offence. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right is confounding the meaning of terms, and can only be done through gross error, or to deceive those who are willing to assert a right, but would pause before they made a revolution, or incur the penalties consequent on a failure.

"Because the Union was formed by compact, it is said the parties to that compact may, when they feel themselves aggrieved, depart from it: but it is precisely because it is a compact that they cannot.

"Men of the best intentions and soundest views may differ in their construction of some parts of the Constitution; but there are others on which dispassionate reflection can

leave no doubt. Of this nature appears to be the assumed right of secession. It rests, as we have seen, on the alleged undivided sovereignty of the States, and of their having formed, in their sovereign capacity, a compact which is called the Constitution, from which, because they made it, they have the right to secede. Both of these positions are erroneous.

"The States severally have not retained their entire sovereignty. It has been shown, that, in becoming parts of a nation, not members of a league, they surrendered many of their essential parts of sovereignty. The right to make treaties, declare war, levy taxes, exercise exclusive judicial and legislative powers—were all of them functions of sovereign power. The States, then, for all these purposes were no longer sovereign. The allegiance of their citizens was transferred, in the first instance, to the Government of the United States: they became American citizens, and owed obedience to the Constitution of the United States, and to laws made in conformity with powers it vested in Congress. This last position has not been and cannot be denied. How then can that State be said to be sovereign and independent whose citizens owe obedience to laws not made by it, and whose magistrates are sworn to disregard those laws when they come in conflict with those passed by another? What shows conclusively that the States cannot be said to have reserved an undivided sovereignty, is, that they expressly ceded the right to punish treason, not treason against their separate power, but treason against the United States. Treason is an offence against sovereignty, and sovereignty must reside with the power to punish it. But the reserved rights of the States are not less sacred because they have, for their common interest, made the General Government a depository of these powers.

"The unity of our political character commenced with its very existence. Under the royal government we had no separate character: our opposition to its oppressions began as United Colonies. We were the United States under the confederation, and the name was perpetuated, and the Union

rendered more perfect, by the Federal Constitution. In none of these stages did we consider ourselves in any other light than as forming one nation. Treaties and alliances were made in the name of all. Troops were raised for the joint defense. How then with all these proofs that under all changes of our position we had, for designated purposes and defined powers, created national governments—how is it, that the most perfect of those several modes of union should now be considered as a mere league that may be dissolved at pleasure? It is from an abuse of terms. Compact is used as synonymous with league, although the true term is not employed, because it would at once show the fallacy of the reasoning. It would not do to say that our Constitution was only a league, but it is labored to prove it a compact (which in one sense it is), and then to argue that as a league is a compact, every compact between nations must, of course, be a league, and that from such an engagement every sovereign power has the right to secede. But it has been shown that, in this sense, the States are not sovereign, and that even if they were, and the national Constitution had been formed by compact, there would be no right in any one State to exonerate itself from its obligations.

"So obvious are the reasons which forbid this secession, that it is necessary only to allude to them. The Union was formed for the benefit of all. It was produced by mutual sacrifices of interests and opinions. Can those sacrifices be recalled? Can the States, who magnanimously surrendered their titles to the territories of the west recall the grant? Will the inhabitants of the inland States agree to pay the duties that may be imposed without their assent by those on the Atlantic or the Gulf, for their own benefit? Shall there be a free port in one State, and onerous duties in another? No one believes that any right exists in a single State to involve all the others in these and countless other evils contrary to the engagements solemnly made. Every one must see that the other States, in self-defense, must oppose it at all hazards.

"This then is the position in which we stand. A small majority of the citizens of one State in the Union have elected delegates to a State Convention; that Convention has ordained that all the revenue laws of the United States must be repealed, or that they are no longer a member of the Union. The Governor of that State has recommended to the Legislature the raising of an army to carry the secession into effect, and that he may be empowered to give clearance to vessels in the name of the State. No act of violent opposition to the laws has yet been committed, but such a state of things is hourly apprehended; and it is the intent of this instrument to proclaim, not only that the duty imposed on me by the Constitution 'to take care that the laws be faithfully executed' shall be performed to the extent of the powers already vested in me by law, or of such others as the wisdom of Congress shall devise and entrust to me for that purpose, but to warn the citizens of South Carolina who have been deluded into an opposition to the laws, of the danger they will incur by obedience to the illegal and disorganizing ordinance of the Convention; to exhort those who have refused to support it to persevere in their determination to uphold the laws of their country; and to point out to all the perilous situation into which the good people of that State have been led, and that the course they are urged to pursue is one of ruin and disgrace to the very State whose rights they affect to support."

Governor Hayne issued a counter-proclamation in which he pronounced the doctrines of the president's message "dangerous, pernicious, specious and false," and warned the citizens that their first allegiance was to the State. The president, determined to maintain national supremacy, asked Congress for legislation empowering him to alter or abolish revenue districts, to change custom houses and to protect and support collectors of the public revenue with the army and navy, and Congress at once took up the passage of what is known as "the Force Bill," which was passed and became a law, March 2, 1833.

Meanwhile the duties had been collected in South Carolina. Clay supported the Verplanck bill, an administration measure, which came up from the House, and which provided for the gradual reduction of duties for ten years. Calhoun also supported the bill, on the ground that a sweeping and sudden reduction of duties would ruin American manufactures. This too became a law, March 2d. Twelve days later the South Carolina Convention reassembled and repealed the ordinance of nullification. At the last moment a compromise clause to the original bill, proposed by Clay, saved the measure, whence the law became known as the compromise tariff of 1833. South Carolina claimed that its vigorous action had forced the compromise; men of national sentiments claimed that the president's vigorous assertion of the power of the government and his determination to test the strength of the Constitution and national sovereignty compelled South Carolina to repeal the ordinance of nullification. Webster refused to give his support to Clay's compromise because he believed it improper to yield to a faction arrayed against the United States. Whatever contemporary opinion may influence the mind of posterity, there can be no doubt that for the first time in our history the doctrine of State sovereignty was combated by the chief magistrate of the nation in an official utterance and that the doctrine of the supremacy of the nation was set forth under the support of all the power of the United States. Washington, during the gloomy hours of the Confederation, had ever declared that we had "a national character to sustain," and throughout his life, in private and in public station, he adhered to the principle. Jefferson, in his celebrated letter to President Monroe, on the principle of the Monroe doctrine, speaking of American independence, remarked, "That made us a nation," and throughout his career as president, as notable in the acquisition of Louisiana, he acted on the principle. Even Monroe, the least nationally minded of the early presidents, associated his name with a doctrine, which in all its various aspects, must ever appear as distinctively a

national doctrine. But it was reserved for Andrew Jackson first to meet the claims of State sovereignty with a direct denial of their justice, accuracy and expediency, and in a great state paper to set forth the truth, "The United States are a nation, not a league or Confederacy."

Nullification was a device originated by Jefferson to remedy violation of a State constitution by a Federal law, but taken up by John C. Calhoun, in 1828, as the rightful remedy in the hands of a State to protect slavery—for in nullifying the tariff law South Carolina sought to avoid support of the manufacturing interests of the country. Had South Carolina been a manufacturing State, like Massachusetts or Rhode Island, at this time, she would not have thought of attempting nullification. "The tariff was but a pretext," remarked President Jackson, referring to events in South Carolina; "the next will be the slavery or negro question." The president saw the situation clearly. Slavery had joined State sovereignty and slavery: their union explains nullification in 1832.

In the debate on the Force Bill, Calhoun, whose whole political career of forty years was ever consistent, laid down, in no uncertain language, on February 13th, his understanding of the character of the Union and its relation to the States. "The whole sovereignty is in the several States, while the exercise of sovereign power is divided—a part being exercised under compact, through this General government, and the residue through the separate State governments."

This was Madison's theory of "residuary sovereignty." Calhoun asserted "that the acts of Congress which imposed duties under the authority to lay imposts (that is, the tariff acts of 1816, 1824, 1828), were acts not for revenue, as intended by the Constitution, but for protection, and therefore null and void. The ordinance thus enacted by the people of the State themselves (South Carolina), acting as a sovereign community, is as obligatory on the citizens of the State as any portion of the Constitution."

But it was not Calhoun who fixed in the popular mind the conception of State sovereignty as an operating power in government. To the speeches and writings of Calhoun we must turn for the exact definition and the logical deductions of the subject: the fountain of argument for all who supported the idea of State sovereignty, and its practical applications, nullification and secession. It was reserved to a Southerner of smaller mould, eloquent, aggressive and convincing to all who sympathized with the doctrines of Calhoun, to place those doctrines in popular form—Robert Y. Hayne, a senator from South Carolina, and Governor of the State at the time it sought to nullify the laws of the United States. On the 21st January, 1830, Senator Foote's resolution on the public lands being before the Senate, occurred the great debate on the nature of the Union, known as the Webster-Hayne debate.

"The South Carolina doctrine," said Hayne, "is the Republican doctrine of '98; it was promulgated by the fathers of the faith, it was maintained by Virginia and Kentucky in the worst of times, it constituted the very pivot on which the political revolution of that day turned, it embraces the very principles, the triumph of which, at that time, saved the Constitution at its last gasp, and which New England statesmen were not unwilling to adopt when they believed themselves to be the victims of unconstitutional legislation. As to the doctrine that the Federal Government is the exclusive judge of the extent as well as the limitation of its power, it seems to me to be utterly subversive of the sovereignty and independence of the States. It makes but little difference, in my estimation, whether Congress or the Supreme Court are invested with this power. If the Federal Government, in all, or any of its departments, is to prescribe the limits of its own authority, and the States are bound to submit to the decision, and are not to be allowed to examine and decide for themselves when the barriers of the Constitution shall be overleaped, this is practically 'a government without limitation of powers.' The States are at once

reduced to mere petty corporations, and the people are entirely at your mercy. I have but one more word to add. In all the efforts that have been made by South Carolina to resist the unconstitutional laws which Congress has extended over them, she has kept steadily in view the preservation of the Union, by the only means by which she believes it can be long preserved—a firm, manly, and steady resistance against usurpation. The measures of the Federal Government have, it is true, prostrated her interests, and will soon involve the South in irretrievable ruin. . . . The South is acting on a principle she has always held sacred—resistance to unauthorized taxation."

"The people erected this government," said Webster, in the course of his reply. "They gave it a Constitution and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the States, or the people. But they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear as to avoid the possibility of doubt; no limitation so precise as to exclude uncertainty. Who, then, shall construe this grant of the people? Who shall interpret their will, where it may be supposed they have left it doubtful? With whom do they repose this ultimate right of deciding on the powers of the government? They have settled all this in the fullest manner. They have left it with the government itself, in its appropriate branches. The very chief end, the main design, for which the whole Constitution was framed and adopted, was to establish a government that should not be obliged to act through State agency, or depend on State opinion or State discretion. The people had had quite enough of that kind of government under the Confederation. Under that system, the legal action, the application of law to individuals, belonged exclusively to the States. Congress could only recommend; their acts were

not of binding force, till the States had adopted and sanctioned them. Are we in that condition still? Are we yet at the mercy of State discretion and State construction? If we are, then vain will be our attempt to maintain the Constitution under which we sit. . . . A nullifying act of a State legislature cannot alter the case nor make resistance any more lawful. In maintaining these sentiments I am but asserting the rights of the people. I state what they have declared, and insist on their right to declare it. They have chosen to repose this power in the General Government, and I think it my duty to support it like other constitutional powers.

"For myself, I do not admit the competency of South Carolina or any other State to prescribe my constitutional duty; or to settle between me and the people the validity of laws of Congress for which I have voted. I have not sworn to support the Constitution according to her construction of clauses. . . . And if we look to the general nature of the case, could anything have been more preposterous than to make a government for the whole Union, and yet leave its powers subject, not to one interpretation, but to thirteen or twenty-four interpretations? Instead of one tribunal, established by all, shall constitutional questions be left to four-and-twenty popular bodies, each at liberty to decide for itself, and none bound to respect the decisions of others; and each at liberty, too, to give a new constitution on every election of its own members? Would anything, with such a principle in it, or rather with such a destitution of all principle, be fit to be called a government? It should not be denominated a Constitution. It should be called, rather, a collection of topics for everlasting controversy; heads of debate for a disputatious people. It would not be a government. It would not be adequate to any practical good, or fit for any country to live under. . . . Talk about it as we will, these doctrines go the length of revolution. They are incompatible with any peaceable administration of the government." He concluded with that

peroration in which he expressed the hope that he might not be allowed—as he was not—"to look beyond the Union, to see what might lie hidden in the dark recess behind, . . . on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood. Let their last feeble and lingering glance rather behold the gorgeous ensign of the Republic, now known and hohored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, not a single star obscured, bearing for its motto, no such miserable interrogatory as 'What is all this worth?' nor those other words of delusion and folly, 'Liberty first and Union afterward'; but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart—Liberty and Union, now and forever, one and inseparable."

Hayne, following Calhoun, had appealed to history and the letter of the Constitution; Webster appealed to the sentiments of the whole people and the necessities of civil administration. Whatever theory might be advanced as to the original conception by the Fathers of the work of their hand, the General government, Webster accepted as the true theory, the only theory worth considering, that theory under which the government could actually be administered. If the theory of State sovereignty—as Calhoun and Hayne contended, lies at the bottom of the American Federal system, that theory utterly broke down under the strain and test of administration: no government could be carried on permanently, with that theory in operation. Before the Webster-Hayne debate, they who denied the valid claims of State sovereignty sought to prove historically that the Fathers never intended the theory to be supreme. Webster boldly argued that the true interpretation of the nature of the General government must be determined by the actual administration of that government. Thus Webster advanced

to economic ground while Hayne and Calhoun stood, as they believed, wholly on constitutional ground. Webster's reply therefore ranks high not merely as an assemblage of great thoughts in pleasing style, but also because he advanced the argument for nationality to new ground: the ground of administration and political economy. And more than this, he touched the sentiments of the people as no interpretation of the government had ever before touched them; he put those sentiments in literary form, giving them a permanence which literary form alone can give. For this reason his Reply made little impression at the South where the national sentiment was weak, and some impression at the North, where that sentiment was slowly developing. While he spoke, State sovereignty, and nullification, and threatened secession were identifying themselves in the public mind with the South and slavery and the anti-slavery convictions of a few people at the North were formulating themselves into the elements of a national conscience. From this time forth no man in America need be ignorant of the true character of the government of the United States.

From this time slavocracy was aggressive. It began at once an agitation for the "re-annexation of Texas," a State which had successfully seceded from the Republic of Mexico. More slave territory must be had, and with the South it was "Texas or disunion." Hostility to annexation at the North went no further than remonstrances and public meetings, but the Abolitionists, the radicals of their age, did not hesitate to declare that the dissolution of the Union was preferable to an extension of slave territory under the old constitution, and even so astute a statesman as John Quincy Adams expressed the sentiment that the annexation of Texas would result in the dissolution of the Union and justifiably. At the time of its admission to the Union there was acquired from Mexico the region known at the time as Upper California, and thither the attention of the American people was diverted. Should this region also become slave soil? Anti-slavery attempted to make it free soil, by the Wilmot

proviso, but failed, and so great became the agitation that in 1850 the great issue—slavery—was compromised.

It was in the year of the Compromise that Southern sentiment found utterance in the resolutions of the Georgia State Convention that the State would secede if slavery was abolished in the District of Columbia, or in the Territories. Other Southern States repeated the threat of secession, and South Carolina was willing to form a Southern Confederacy in 1850, but its sister States were not yet ready. One must turn to Calhoun's last speech in the Senate, delivered March 4, 1850, in order to understand the feeble hold which the Federal government had on the South at the time. The North was outstripping the South in population and consequently in the strength and number of free States: "the result of the whole," said Calhoun, "is to give the Northern section a predominance in every department of the Government." He then passed in review all Federal acts hostile to the South, the Ordinance of 1787, the Missouri Compromise, the tariff laws, "measures destroying the equilibrium between the sections. . . . The character of the Government has been changed in consequence from a federal republic, as it originally came from the hands of its framers, into a great national consolidated democracy. . . . As then, the North has the absolute control over the Government, it is manifest that on all questions between it and the South, where there is a diversity of interests, the interest of the latter will be sacrificed to the former, however oppressive the effects may be; as the South possesses no means by which it can resist, through the action of the Government. But if there was no question of vital importance to the South, in reference to which there was a diversity of views between the two sections, this state of things might be endured without the hazard of destruction to the South. . . . I refer to the relation between the two races in the Southern section, which constitutes a vital portion of her social organization." And then he followed with a recital of all the anti-slavery influences at the North. "Disunion," he said,

"must be the work of time." Already the cords binding North and South together were snapping. The great religious denominations—the Methodist Episcopal Church, the Baptist Church, were no longer in unity, North and South. Agitation had already weakened the political bonds between North and South. "How then can the Union be saved, . . . There is but one way by which it can with any certainty; and that is, by a full and final settlement, on the principle of justice, of all the questions between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer but the Constitution, and no concession or surrender to make. She has already surrendered so much that she has little left to surrender. Such a settlement would go to the root of the evil, and remove all cause of discontent, by satisfying the South that she could remain honorably and safely in the Union. . . . Nothing else can, with any certainty, finally and forever settle the question at issue, terminate agitation, and save the Union. . . . At all events the responsibility of saving the Union rests on the North and not on the South."

Three days later, Webster, advocating the proposed Compromise, exclaimed: "Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is so foolish—I beg everybody's pardon—as to expect to see such a thing? Sir, he who sees these States, now revolving in harmony around a common centre, and expects them to quit their places and fly off without convulsion, may look the next hour to see the heavenly bodies rush from their spheres, and jostle against each other in the realms of space, without causing the wreck of the universe. There can be no such thing as peaceable secession. Peaceable secession is an utter impossibility. Is the great Constitution under which we live, covering this whole country, is it to be thawed and melted away by

secession, as the snows on the mountain melt under the influence of the vernal sun, disappear almost unobserved and run off? No, sir! No, sir! I will not state what might produce the disruption of the Union; but, sir, I see as plainly as I can see the sun in heaven what that disruption itself must produce; I see that it must produce war, and such a war as I will not describe, in its twofold character."

"When my State is right," said Clay, in the same debate, "when it has a cause for resistance—when tyranny, and wrong and oppression insufferable arise, I will then share her fortunes; but if she summons me to the battle-field, or to support her in any cause which is unjust against the Union, never, never will I engage with her in such a cause."

It is evident that to whatsoever issue we turn, from the inception of the government down to 1850, we are brought, sooner or later, to slavery: State sovereignty, nullification, the tariff, all by that time were identified with it and with the essential idea underlying it that the Union was a Confederacy of sovereign Republics, a League of free, sovereign and independent States. It was inevitable therefore that all opposition, all hostility to slavery should gradually identify itself with the national idea. By 1850, the great issue practically took this form: Should slavery be extended over the Territories? Were these Territories national soil or the property of the States? In 1856, this territory is spoken of by the Republicans, in their platform, on which they had nominated Frémont and Dayton, as "national territory"; but the Democratic platform, supporting Buchanan and Breckenridge, declared that the States had equal rights in the Territories. Here plainly was suggested the fundamental difference—Confederacy or Nation; a League of States or a Supreme Organic Body, the Nation.

Throughout Lincoln's debates with Douglas, and in his other speeches between 1854 and 1861, there is little said of tariffs, State sovereignty, nullification, or secession, but much said of slavery. One may perhaps wonder why Lincoln ignored these elements of sectional contention. The reason

is plain: he knew that slavery included all the rest; that in advocating the limitation of slavery to the slaveholding States he was evoking national support and antagonizing Confederate support. His precise position he does not leave in doubt:

"I wish to be no less than national in all positions I may take"—words he uttered at Peoria, in 1854, his first appearance in the contest which was to decide that "our fathers brought forth upon this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal."

While South Carolina was preparing its Declaration of Causes and inditing its Address to the slaveholding States, Southern senators and representatives, lingering in Washington, freely expressed on the floor of House and Senate the motives which actuated the South.

"The Southern States now moving in this matter," said Alfred Iverson, a senator from Georgia, "are not doing it without due consideration. We have looked over the whole field. We believe that the only security for the institution to which we attach so much importance is secession and a Southern confederacy. We are satisfied, notwithstanding the disclaimers upon the part of Black Republicans to the contrary, that they intend to use the Federal power, when they get possession of it, to put down and extinguish the institution of slavery in the Southern States." These words were spoken two weeks before South Carolina seceded. Iverson's colleague, Robert Toombs, on January 7, 1861, declared in the Senate that the South took up arms to defend four thousand millions of their property in the territories of the United States and charged the North with the avowed purpose of making this property insecure.

The appeal of South Carolina to the South was for a Confederacy of slaveholding States. Early in February, 1861, forty-two delegates, representing six States that had seceded—South Carolina, Georgia, Alabama, Mississippi, Louisiana and Florida—organized in Convention at Montgomery,

Alabama, and entered upon the formation of a Southern Confederacy, framing, to that end, a Provisional Constitution. Jefferson Davis, of Mississippi, late a United States Senator, was elected president and Alexander H. Stephens, vice-president of the Confederacy for one year, and on the 18th, Mr. Davis was inaugurated. In his inaugural he blamed the North for her aggressions against the South and declared secession and the separation of the South a remedy resorted to of necessity rather than choice. He in no way alluded to slavery.

The new Confederate government organized in an orderly manner; executive departments were created and the Congress authorized President Davis to borrow \$15,000,000 at eight per cent on the credit of the Confederacy, and levied an export tax on raw cotton of one-eighth of one cent a pound. In spite of Southern hostility to tariffs this new Congress continued the tariff law of 1857. A commission was appointed, under resolution of the Congress, by President Davis, to proceed to Washington and negotiate a treaty of peace with the United States.

The Provisional Constitution of the Confederate States was adopted on the 8th February, 1861, and continued in force one year. It was ordained and established, as its preamble declares, by "the deputies of the sovereign and independent States" which first organized under it. It was closely modelled after the Constitution of the United States but called negroes negroes and slaves slaves. It forbade the African slave trade and empowered the Congress "to prohibit the introduction of slaves from any State not a member of this Confederacy," thus cutting off the lucrative slave trade of the border States unless they joined the Confederacy. It forbade the States to enter into any treaty, alliance or confederation.

The Confederate Congress elected under this Provisional Constitution worked out a Permanent Constitution for the Confederacy which was unanimously adopted, March 11, 1861, by the seven States then composing the Confederacy,

Texas having joined it meanwhile. The constitution was based, like the provisional one, closely on that of the United States, with important differences, however. The first difference was the recognition of the doctrine of State sovereignty, as declared in the preamble—"We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquillity and secure the blessings of liberty to ourselves and our posterity—invoking the favor and guidance of Almighty God —do ordain and establish this constitution for the Confederate States of America."

It forbade the Congress to pass any law "denying or impairing the right of property in negro slaves."

It limited the slave trade to the Confederacy and the United States.

It forbade duties or taxes on imports "to promote or foster any branch of industry."

In all new territory "the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the Territorial government; and the inhabitants of the several Confederate States and Territories shall have the right to take to such Territory any slaves lawfully held by them in any of the States or Territories of the Confederate States."

It denied the right of secession by forbidding the States to enter into any treaty, alliance or confederation.

It made the term of president and vice-president six years without the privilege of re-election.

The Confederate Congress might "by law, grant to the principal officer in each of the Executive Departments a seat upon the floor of either House, with the privilege of discussing any measures appertaining to his department."

These were the differences between the Permanent Constitution of the Confederacy and the Constitution of the United States.

It may easily be seen that in forming this Confederacy, the South incorporated clauses and provisions which had been for years matters of dispute and contention between South and North. It is also clear that these provisions—recognizing State sovereignty; slavery, and the slave trade; and forbidding protective tariffs—were the very provisions which for many years the North had associated with slavery: they were not associated with the idea of nationality. They pointed clearly, as the South Carolina Address of 1860 declares, to a people “having different pursuits and institutions” from those of the North.

That the South had been drifting for years toward the formation of a Slaveholding Confederacy is now plain from the records, and it is equally plain that at the North public sentiment, during the same time, had been developing into the conception and conviction that the United States is a Nation. The actual formation of a Slaveholding Confederacy merely confirms the earlier tendency, and in confirmation of the tendency and development of opinion at the North, it is sufficient to cite, out of a mass of evidence, Lincoln’s first inaugural.

Speaking of the fugitive slave clause of the Constitution, he says: “There is some difference of opinion whether this clause should be enforced by National or by State authority.” An earlier president would have said, “Federal authority.”

“It is seventy-two years since the first inauguration of a President under our National Constitution.” An earlier president would have said “Federal Constitution.”

“I hold that in contemplation of universal law, and of the Constitution, the Union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of our National Government, and the Union will endure forever—it being impossible to destroy it, except by some action not provided for in the instrument itself.

"Again, if the United States be not a government proper, but an association of States in the nature of a contract merely, can it, as a contract, be peaceably unmade by less than all the parties who made it? One party to a contract may violate it—break it, so to speak; but does it not require all lawfully to rescind it?

"Descending from these general principles, we find the proposition, that, in legal contemplation, the Union is perpetual, confirmed by the history of the Union itself. The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation in 1778. And, finally, in 1787, one of the declared objects for ordaining and establishing the Constitution was 'to form a more perfect union.'

"It follows, from these views, that no State, upon its own mere motion, can lawfully get out of the Union; that resolves and ordinances to that effect are legally void; and that acts of violence within any State or States, against the authority of the United States, are insurrectionary or revolutionary, according to circumstances.

"I therefore consider that, in view of the Constitution and the laws, the Union is unbroken, and to the extent of my ability I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States. Doing this I deem to be only a simple duty on my part; and I shall perform it, so far as practicable, unless my rightful masters, the American people, shall withhold the requisite means, or, in some authoritative manner, direct the contrary. I trust this will not be regarded as a menace, but only as the declared purpose of the Union that it will constitutionally defend and maintain itself. In doing this there need be no bloodshed or violence; and there shall be none, unless it be forced upon

the National authority. The power confided to me will be used to hold, occupy, and possess the property and places belonging to the Government, and to collect the duties and imposts; but beyond what may be necessary for these objects there will be no invasion, no using of force against or among the people anywhere. Where hostility to the United States, in any interior locality, shall be so great and universal as to prevent competent resident citizens from holding the Federal offices, there will be no attempt to force obnoxious strangers among the people for that object. While the strict legal right may exist in the government to enforce the exercise of these offices, the attempt to do so would be so irritating, and so nearly impracticable withal, that I deem it better to forego, for the time, the uses of such offices.

"The mails, unless repelled, will continue to be furnished in all parts of the Union. So far as possible, the people everywhere shall have that sense of perfect security which is most favorable to calm thought and reflection. The course here indicated will be followed, unless current events and experience shall show a modification or change to be proper, and in every case and exigency my best discretion will be exercised, according to circumstances actually existing, and with a view and a hope of a peaceful solution of the National troubles, and the restoration of fraternal sympathies and affections.

"Before entering upon so grave a matter as the destruction of our National fabric, with all its benefits, its memories, its hopes, would it not be wise to ascertain why we do it? Will you hazard so desperate a step while there is any possibility that any portion of the ills you fly from have no real existence? Will you, while the certain ills you fly to are greater than all the real ones you fly from—will you risk the commission of so fearful a mistake?

"All profess to be content in the Union, if all constitutional rights can be maintained. . . . But no organic law can ever be framed with a provision specifically applicable to every question which may occur in practical

administration. . . . Shall fugitives from labor be surrendered by National or State authority? The Constitution does not expressly say. May Congress prohibit slavery in the Territories? The Constitution does not expressly say. Must Congress protect slavery in the Territories? The Constitution does not expressly say.

"From questions of this class spring all our constitutional controversies, and we divide upon them into majorities and minorities. If the minority will not acquiesce, the majority must, or the government must cease. There is no other alternative; for continuing the government is acquiescence on one side or the other. If a majority in such case will secede rather than acquiesce, they may make a precedent which, in turn, will divide and ruin them; for a minority of their own will secede from them whenever a majority refuses to be controlled by such a minority. For instance, why may not any portion of a new Confederacy, a year or two hence, arbitrarily secede again, precisely as portions of the present Union now claim to secede from it? All who cherish disunion sentiments are now being educated to the exact temper of doing this.

"Is there such perfect identity of interests among the States to compose a new Union, as to produce harmony, only, and prevent renewed secession?

"Plainly, the central idea of secession is the essence of anarchy. A majority held in restraint by constitutional checks and limitations, and always changing easily with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it, does, of necessity, fly to anarchy or despotism. Unanimity is impossible; the rule of a minority, as a permanent arrangement, is wholly inadmissible; so that, rejecting the majority principle, anarchy or despotism, in some form, is all that is left.

"Physically speaking, we cannot separate. We cannot remove our respective sections from each other, nor build an impassable wall between them. A husband and wife may

be divorced, and go out of the presence and beyond the reach of each other; but the different parts of our country cannot do this. They cannot but remain face to face, and intercourse, either amicable or hostile, must continue between them. It is impossible, then, to make that intercourse more advantageous or more satisfactory after separation than before. Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens than laws among friends? Suppose you go to war, you cannot fight always, and when after much loss on both sides and no gain on either you cease fighting, the identical old questions as to terms of intercourse are again upon you.

"This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it. I cannot be ignorant of the fact that many worthy and patriotic citizens are desirous of having the National Constitution amended. . . . I understand a proposed amendment to the Constitution—which amendment, however, I have not seen—has passed Congress, to the effect that the Federal Government shall never interfere with the domestic institutions of the States, including that of persons held to service. To avoid misconstruction of what I have said, I depart from my purpose not to speak of particular amendments, so far as to say, that holding such a provision now to be implied constitutional law, I have no objections to its being made express and irrevocable.

"In your hands, my dissatisfied countrymen, and not in mine, are the momentous issues of civil war. The Government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in Heaven to destroy the government, while I shall have the most solemn one to 'preserve, protect and defend' it.

"I am loth to close. We are not enemies, but friends. We must not be enemies. Though passion may have

strained, it must not break, our bonds of affection. The mystic chords of memory, stretching from every battle-field and patriot grave to every living heart and hearth-stone all over this broad land, will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature."

The constitutional amendment to which Lincoln referred and to which he assented as "implied constitutional law," passed Congress on the last day of Buchanan's administration and was signed by him, probably his last official act. It read:

"Article XIII.—No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State."

It was the last attempt by the National government to concede to the will of slavocracy and in the agitation of civil war was lost and forgotten, yet it was ratified by a convention in Illinois, and by the legislatures of Maryland and Ohio.

If it be asked, What were the causes of the Civil War?—and an outline of those causes has been given in this chapter and the two preceding—the answer, comprehensively, must be, slavery. Once introduced into the country, the selfishness of men and climate made its continuance possible. The original domain of the United States was supposed, by the Fathers, to be fairly divided between freedom and slavery, but the extension of the national domain across the Mississippi by the purchase of the Louisiana country precipitated a contest over slavery extension which waxed more serious down to the election of Lincoln to the presidency. Into that contest all other forces were drawn: conflicting theories of the nature of the Union and conflicting theories of its proper administration. The slave power grew until it controlled the Federal government, but it lacked an economic basis: land and people. Industrially it could not compete

with free labor. Looking back now over the development of the country down to 1860, it is difficult to understand how civil war could be avoided. The idea of Confederacy was hostile to the idea of Nationality, and no Federal government which human beings are ever likely to make could be administered to the equal satisfaction of the slave States and the free States.

South Carolina declared in the most solemn manner what it held to be the causes, the justifiable causes for its secession from the Union: some of these are political, some economic, some constitutional, some climatic, some social: but the essential cause was the incompatibility of free institutions and slave institutions under the same General government. Search as one may into the archives, and weigh as he must all the evidence, he will at last reach the conclusion, now a matter of history, but when first uttered a startling assertion, and considered by the South, and by many at the North, as merely a piece of political propaganda:

"A house divided against itself cannot stand. I believe this Government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all the one thing, or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in course of ultimate extinction; or its advocates will push it forward, till it shall become alike lawful in all the States, old as well as new—North as well as South."

The obscure man who uttered these words in 1858 was now president of the United States. What would he do, what would the Nation do to keep the house from falling?

CHAPTER IV

THE FIRST YEAR OF THE WAR

INTENT upon separation from the Union and the formation of a Slaveholding Confederacy, South Carolina swiftly proceeded to carry out a programme agreed upon. It elected three commissioners, December 22, 1860, Robert W. Barnwell, James H. Adams, and James L. Orr, who should negotiate with President Buchanan for the delivery to the State of all Federal property within its limits, including forts, magazines and lighthouses. The partnership having been dissolved, South Carolina hastened to divide the property among the partners. The South Carolina Congressmen had had interviews with Buchanan relative to the matter of the occupation of the forts in Charleston harbor and interpreted the president's words as a promise that he would not change the status there without due notice to them. But on the 26th, Major Anderson, in command at Fort Moultrie, dismantled that stronghold and retired with his force to Fort Sumter as the more defensible fort. The act enraged the secessionists in Charleston and persuaded them that Buchanan's word was untrustworthy. The truth is that Anderson had removed strictly for military reasons and at his own instance, and to the demands of Governor Pickens replied, "I cannot and will not go back." The governor at once ordered the State troops to take possession of Fort Moultrie and the palmetto flag was raised over it. Jefferson Davis and his fellow-secessionists from other Southern States were

not yet retired from Congress and upon receipt of the news from Charleston, Davis, and others, accompanied by Trescot, the assistant secretary of state and the go-between in the programme of negotiation, called upon Buchanan to expostulate. Davis accused the president of precipitating bloodshed. Buchanan, amazed at the news, declared that Anderson's course was "against my policy." Next day the president received the South Carolina commissioners, not as officials, but as private gentlemen. Out of the interview arose the expected: that the commissioners asserted one thing and the president understood another. The national element at the North was becoming impatient at the president's course; the South convinced herself that he had promised one thing and done another, and the North blamed him for doing nothing. One conclusion is safe—that he did not comprehend the gravity of the situation. Civil War was upon the country and the president did not know it. South Carolina interpreted Major Anderson's removal to Fort Sumter as an act of war and the North interpreted Buchanan's course as an act of cowardice. At heart, Buchanan inclined to accede to the demands of the commissioners and prepared a favorable reply to them. This was on the 29th. He submitted it to a divided Cabinet; Stanton, recently made attorney-general, and Black, secretary of state, counselled against it; if it should be issued, Black determined to resign. The secretary would not longer support a policy of *non possumus*, and so informed the president. Buchanan, confessing his weakness by the act, handed his proposed answer over to Black, requesting him to modify it as he thought best. The secretary rewrote the memorandum and converted it into a state paper of national character, attacked and refuted the whole secession theory and concluded with the entreaty that Major Anderson be at once supported by the army and navy, else he could see nothing before the country but disaster and ruin.

Black's revision of the president's policy was the first act in a long series which culminated at last in the suppression

of insurrection and rebellion and the supremacy of the national authority. Stimulated by his secretary's memorandum, Buchanan refused to withdraw Anderson; he would reinforce Anderson, but first the commissioners should know his decision. On the second day of the new year their reply was received: the whole story is told in the endorsement which the president ordered with the return of their letter to them: "This paper, just presented to the President, is of such a character that he declines to receive it." Even Buchanan was stirred. "It is now all over," he said to the secretary of war, Holt; "reinforcements must be sent."

It was decided to send the man-of-war, *Brooklyn*, with adequate reinforcements and supplies, to Anderson, but the president and General Scott, fearing lest the ship might not be able to get over the bar at Charleston, at last, and unwillingly, changed their plans and dispatched the *Star of the West*, a chartered, side-wheel steamer of light draft, and leaving Sandy Hook with two hundred men and supplies, she lay off Charleston harbor, January 8th. Her coming was awaited, as Governor Pickens had been kept informed of her departure from New York. While yet two miles from Fort Sumter she was fired on from Morris Island and struck once. The *Star of the West* was merely a transport and was unarmed. Discovering no signs of aid or support from Fort Sumter and having yet to run past Fort Moultrie, the captain of the transport, fearing serious injury and convinced that he could not reach Sumter, reversed the steamer and hastened back to New York. Anderson meanwhile had got ready for action and doubtless had the steamer been fired on by Fort Moultrie, he would have replied. Anderson immediately demanded of Governor Pickens whether the attack on the *Star of the West* had his official sanction, which, if given, must be construed as an act of war. Pickens replied that the sending of the reinforcements was an act of war and that the firing on the steamer was justifiable.

Abortive as the president's attempt to reinforce Anderson had proved, it tended to strengthen him at the North as it

also tended to strengthen secession at the South. Buchanan reorganized his Cabinet, John A. Dix becoming secretary of the treasury, the Northern members, Black, secretary of state, Stanton, attorney-general, and Dix, now giving it a national cast, not wholly to Buchanan's liking. But events were forcing him into a position from which he could not retreat without entertaining political principles which his severest critics have refrained from accusing him of holding.

During the last two months of his administration, House and Senate became theatres of a strange political drama: Davis and the lesser representatives from the South now freely, ardently and aggressively holding forth on the right of secession and announcing the impending dissolution of the Union. In all that the South thus said there was nothing new. All had been said again and again, and perhaps as effectively in the South Carolina Declarations as anywhere. The whole burden of Southern speech was the responsibility of the North for the dissolution of the Union. "You elect a candidate upon the basis of sectional hostility," said Davis, in the Senate, "one who, in his speeches, now thrown broadcast over the country, made a distinct declaration of war upon our institutions." It was the old slavocratic charge, dressed up now and then in new phrases.

Even at this late hour in the movement of events, Northern men, and such as Seward, of New York, could not see the impending outburst of civil war and continued talking of compromise. Seward thought, at this time, that secession ebullition would shortly subside, then a national convention might assemble and amend the Constitution. But the South had no thought of listening to further compromise. For this reason all attempts at compromise failed, and compromise was the earnest thought and wish of such men as Crittenden, of Kentucky. Even Lincoln favored a constitutional amendment which should forbid Congress to interfere with slavery in the States. In these closing days of Buchanan's administration no man in Congress who had the ear of the public demanded interference with slavery in the

slaveholding States. The Republicans could not, however, support any compromise which hinted at possible slavery extension into Federal territory, and to whatsoever extent they were responsible for the defeat of Crittenden's compromise they opposed it on that ground. Thus when during the last week of January the Southern senators and representatives began delivering their farewell speeches in Congress and withdrew, giving notice that when next they appeared it would be with arms in their hands as conquerors, if peaceable secession should be confronted by an attempt of the Nation to protect its own, the confidence yet lingering in the minds of Northern statesmen that the whole secession movement would yet quiet down and the Southern representatives would soon be back in their seats, seems blindness or self-deception, like the pathetic entry of Louis XVI, in his journal, on the eve of the French Revolution—"Nothing to-day."

And the South, meanwhile, was putting itself on a military footing. It had resolved on war. Governor Pickens sent to Buchanan a demand for the surrender of Fort Sumter, but it was the desire of Davis and his associates that South Carolina should not be brought to strike the first blow; they had accused the North all along of overt political acts tending to the dissolution of the Union—acts culminating in the election of Lincoln; and now they were planning that the South should appear in the eyes of the world as acting on the defensive. The remarkable fact is that public sentiment rather than political organization held the South together as one man; there were Union men at the South, and varying shades of politics among disunionists, but Davis and the secessionists knew the Southern mind: an attack on South Carolina by a national force, even the attempt to coerce the State would fire the Southern heart instantly and consolidate Southern sentiment in favor of separation and a Slaveholding Confederacy. It was not that Davis and other Southern leaders conspired together, for what they did they did openly, or sufficiently in the open that no man of fair intelligence

could misconstrue their motives and purposes. They made open and public announcement of their intentions; they published their Declaration of Causes. The oft-repeated conspiracy charge cannot sustain itself in the court of history. Rather than to a conspiracy must the historian look to a state of mind which possessed a great, a powerful people, eight millions of Americans, bond and free; and the mind of the bondmen cannot be cited, as, at that time, a source of weakness to the idea which controlled the mind of the master. Jefferson Davis stands forth in history as the expositor of a state of mind which, until events compelled its suppression, commanded the lives and fortunes of the South and evoked sympathy and aid from multitudes at the North. The Civil War did not originate in a conspiracy, but in a perverted state of mind, as other great conflicts have originated in a perverted state of mind. No one attributes the operations of the "Holy Office," the Inquisition, to a conspiracy; or the seemingly endless wars of religious persecution, to a conspiracy; or the cruelties of the Spaniards in the New World, to a conspiracy. Conspiracy is too insignificant, too weak a word to cover the terrible meaning of such events. We must get nearer human nature than a conspiracy can bring us: we must get close to the undeveloped reason and the undeveloped conscience, and the incapacity to interpret the simple laws in the economy of nature. The blind are not only they who will not, but they who cannot see. And in the history of civilization it is they who cannot see that will not, rather than they who will not see because they cannot.

President Buchanan, through the secretary of war, formally refused to surrender Fort Sumter to Governor Pickens. The governor's answer to the president was returned to him with the president's endorsement—"The character of this letter is such that it cannot be received." While this petty verbal warfare was raging, and the government was halting over reinforcing Anderson, in Fort Sumter, and Lieutenant Slemmer in Fort Pickens, on the Florida coast, there suddenly fell from the secretary of the treasury, John A. Dix,

an utterance which had the sound of new things: "If any one attempts to haul down the American flag," was the secretary's dispatch to a treasury officer at New Orleans, "shoot him on the spot." The order went from lip to lip at the North; it stirred the national heart. Not a sentence that Jefferson Davis or any of his secessionist colleagues uttered now lingers in the minds of men, but the laconic order to an obscure Federal official at New Orleans has passed into the lexicon of national sayings, along with Franklin's "Join or Die," with Patrick Henry's "Give me Liberty or give me Death," and Jefferson's "All men are created equal." Even rebellions and revolutions must pass the intellectual test, and the literature of the world enables us to distinguish between them: the war of 1776 was a Revolution; that of 1861, a Rebellion. Yet, as an event in the history of civilization, the American Civil War, in destroying a dominant state of mind, resulted in national changes and adjustments nothing short of revolutionary.

The situation during February, 1861, at the South, was not that of conspirators working under cover of darkness but of open military and quasi-civil activity toward the formation of a Slaveholding Confederacy. On the civil side such an organization could not have been possible at the North, and doubtless for this reason, Northern writers have described it as a conspiracy. The Southern Conventions which declared States out of the Union acted with an authority which could not be tolerated at the North, for the Northern idea of a Convention wholly differs from the Southern. Secession was promulgated at the South by these several State Conventions: at the North a question of less magnitude would be submitted directly to the people for their final decision. So too, the Montgomery Convention which framed the Provisional Constitution of the Confederate States, and elected Davis and Stephens and set the Confederacy going as a political concern, would be considered as a revolutionary body at the North and its acts as intolerable. A hundred men at the South in 1860-61

precipitated the Confederacy and civil war. The plain people had nothing whatever to say about the matter, although there is ample evidence that scarcely a man could be found who did not approve of the general conclusion for separation. The South was rent and torn by factions, but the period of the formation of the Confederacy was "an era of good feeling," and though Jefferson Davis was made president of the Confederacy by a political clique, he stood for ideas which had the full sympathy of the South. Again is there illustrated, here, the efficacy of a common state of mind, which not for a moment thought seriously of resenting a strictly military procedure under the guise of a civil act—for the Southern Confederacy was from first to last a military despotism masquerading in citizen clothes.

When Lincoln stepped forth at the Capitol to take the oath of office, an organized government, claiming to be federal in character, confronted him at Montgomery, and to foreign eyes, glancing hastily across the Atlantic, the Northern government seemed no surer of continued existence than the Southern. That Jefferson Davis had "founded a new nation" was the somewhat premature and unwise remark of Gladstone; had the English statesman said "a new Confederacy" his remark would at least have been philosophical. And could he have been able to add—"and will meet the fate of confederacies," he would have had the rare fame of having anticipated history. Abraham Lincoln took the oath of office as president of the United States, which, as his inaugural testifies, he conceived to be a Nation; Jefferson Davis took an oath to support the constitution of a new Confederacy of Sovereign States, founded on slavery as the chief corner-stone. While Lincoln was delivering his inaugural, the Confederate flag was waving for the first time above the Confederate Capitol at Montgomery. The Confederate Congress set to work at once preparing for war: ordering the mobilization of 100,000 volunteers for one year; issuing \$1,000,000 in treasury notes; appropriating money for ordinary civil expenses, and organizing executive

departments. A commission, of which William L. Yancey was chief, was created to proceed at once to Europe and seek recognition and alliance; the confederated States at once turned over to the new government public buildings and other property seized from the United States, including the mint at New Orleans with half a million dollars of national coinage. One utterance above all others at the South at this time demands notice: the address of Alexander H. Stephens, vice-president of the Confederacy, on March 21st, at Savannah, Georgia, on the new constitution which he had sworn to support.

"It amply secures all our ancient rights, franchises, and liberties. All the great principles of Magna Charta are retained in it. No citizen is deprived of life, liberty or property, but by the judgment of his peers under the laws of the land. The great principle of religious liberty, which was the honor and pride of the old Constitution, is still maintained and secured. Some changes have been made.

. . . They form great improvements upon the old Constitution. . . . The question of building up class interests, or fostering one branch of industry to the prejudice of another under the exercise of the revenue power, which gave us so much trouble under the old Constitution, is put at rest forever under the new. We allow the imposition of no duty with a view of giving advantage to one class of persons, in any trade or business, over those of another. All, under our system, stand upon the same broad principles of perfect equality. Honest labor and enterprise are left free and unrestricted in whatever pursuit they may be engaged. This old thorn of the tariff, which was the cause of so much irritation in the old body politic, is removed forever from the new.

"Again, the subject of internal improvements, under the power of Congress to regulate commerce, is put at rest under our system." Passing on to a brief mention of the advantages of adopting the Cabinet system and of limiting the tenure of the presidential office, he came to the essential

character of the new constitution and the government which now, for ten days, had been erected upon it:

"The new constitution has put at rest forever all the agitating questions relating to our peculiar institution, African slavery as it exists amongst us, the proper status of the negro in our form of civilization. This was the immediate cause of the late rupture and the present revolution. Jefferson, in his forecast, had anticipated this as the 'rock upon which the old Union would split.' He was right. What was conjecture with him is now a realized fact. But whether he fully comprehended the great truth upon which that rock stood and stands may be doubted. The prevailing ideas entertained by him and most of the leading statesmen at the time of the formation of the old Constitution were that the enslavement of the African was a violation of the laws of nature; that it was wrong in principle, socially, morally, and politically. It was an evil they knew not well how to deal with; but the general opinion of the men of that day was that, somehow or other, in the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the Constitution, was the prevailing idea at that time. The Constitution, it is true, secured every essential guarantee to the institution while it should last, and hence no argument can be justly urged against the constitutional guaranties thus secured, because of the common sentiment of the day. Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error. It was a sandy foundation, and the government built upon it fell, 'the storm came and the wind blew.'

"Our new government is founded upon exactly the opposite idea; its foundations are laid, its corner-stone rests, upon the great truth that the negro is not equal to the white man, that slavery—subordination to the superior race—is his natural and normal condition.

"This, our new government, is the first in the history of the world based upon this great physical, philosophical and

moral truth. This truth has been slow in the process of its development, like all other truths in the various departments of science. It has been so even amongst us. Many who hear me, perhaps, can recollect well that this truth was not generally admitted, even within their day. The errors of the past generation still clung to many as late as twenty years ago. Those at the North who still cling to these errors, with a zeal above knowledge, we justly denominate fanatics. All fanaticism springs from an aberration of the mind, from a defect in reasoning. It is a species of insanity. One of the most striking characteristics of insanity, in many instances, is forming correct conclusions from fancied or erroneous premises. So with the anti-slavery fanatics; their conclusions are right, if their premises were. They assume that the negro is equal and hence conclude that he is entitled to equal rights and privileges with the white man. If their premises were correct, their conclusions would be logical and just; but, their premises being wrong, their whole argument fails. I recollect once hearing a gentleman from one of the Northern States, of great power and ability, announce in the House of Representatives, with imposing effect, that we of the South would be compelled ultimately to yield upon this subject of slavery, that it was as impossible to war successfully against a principle in politics as it was in physics or mechanics; that the principle would ultimately prevail; that we, in maintaining slavery as it exists with us, were warring against a principle, found in nature, the principle of the equality of men. The reply I made to him was that upon his own grounds we should ultimately succeed, and that he and his associates against our institutions would ultimately fail. The truth announced, that it was as impossible to war successfully against a principle in politics as it was in physics or mechanics, I admitted; but I told him that it was he, and those acting with him, who were warring against a principle. They were attempting to make things equal which the Creator had made unequal.

"In the conflict, thus far, success has been on our side, complete throughout the length and breadth of the Confederate States. It is upon this, as I have stated, our social fabric is firmly planted; and I cannot permit myself to doubt the ultimate success of a full recognition of this principle throughout the civilized and enlightened world.

"Many governments have been founded upon the principle of the subordination and servitude of certain classes of the same race; such were and are in violation of the laws of nature. Our system commits no such violation of nature's laws. With us, all the white race, however high or low, rich or poor, are equal in the eye of the law. Not so with the negro; subordination is his place. He, by nature, or by the curse of Canaan, is fitted for that condition which he occupies in our system. The architect, in the construction of buildings, lays the foundation with the proper material—the granite; then comes the brick or the marble. The substratum of our society is made of the material fitted by nature for it; and by experience we know that it is best not only for the superior race, but for the inferior race, that it should be so. It is, indeed, in conformity with the ordinance of the Creator. It is not for us to inquire into the wisdom of His ordinances, or to question them. For His own purposes He has made one race to differ from another, as He has made 'one star to differ from another star in glory.' The great objects of humanity are best attained when there is conformity to His laws and decrees, in the formation of governments as in all things else. Our Confederacy is founded upon principles in strict conformity with these views. This stone, which was rejected by the first builders, 'is become the chief of the corner,' the real 'corner-stone' in our new edifice.

"We are a young republic, just entering upon the arena of nations: we will be the architects of our own fortunes. Our destiny, under Providence, is in our own hands. With wisdom, prudence, and statesmanship on the part of our public men, and intelligence, virtue and patriotism on the

part of our people, success to the full measure of our most sanguine hopes may be looked for."

This utterance by the vice-president of the Confederacy, delivered during the first flush of peaceful triumph, confirms all that has been said of slavery's being the essential cause of the Civil War. Stephens was by far the ablest man in the civil service of the Confederacy. He spoke at a time when enthusiasm had not merged into hatred engendered by actual war. He recited the causes which had disrupted the Union: slavery agitation, internal improvements, the tariff, and above all, the state of mind at the North toward slavery. Yet, in the whole round of contemporary utterances none can be found equal to this indicative that slavocracy was also a state of mind. Anti-slavery, Stephens declared unscientific and fanatical; the Confederacy was framed in harmony with the laws of God. Tariffs for protection, the "old thorn of the tariff" should be withdrawn forever. And yet, on the 9th February, before Stephens spoke, the Confederate Congress had passed a protective tariff act, in criticism of which the *Charleston Mercury* declared, "Free trade is the true policy of the Confederate States;" and just two months after he spoke, the same Congress passed an act "to provide revenue from commodities imported from foreign countries" which covers twelve pages in the "Acts and Resolutions of the Provisional Congress" and which was a transcript of the tariff law of the United States embodying the principle of protection.

In other words, when the Confederacy was confronted by the problems of actual government, it resorted to a policy of which its leaders and founders had long made complaint as a just cause for nullification and secession. But this protective tariff act was not the last act passed by a Confederate Congress in contravention of the principles on which the Confederacy was said to rest.

With Stephens's "corner-stone" address the last exposition of the foundations of the Confederacy found utterance; henceforth there was talking, but there was more fighting.

In his inaugural, Lincoln had announced his policy—to recover and hold the forts, arsenals and other property of the United States. But this problem proved even more serious than he anticipated. The fate of the Union must depend upon the action of the people—and especially of them in the border States. Lincoln determined to hold the border States to the Union, and yet, at the same time, carry out his national policy. It was a programme which only a man of the sagacity of a political genius could hope to carry out. To strike a blow against slavery in a State would at once cause every slaveholding State to swing into line in arms against the national government, and if the border slave States joined the Confederacy, the supremacy of the national authority must be yet more doubtful. Already the Confederate government had taken the initiative and had acted as if the inclusion of the border slave States within the Confederacy was beyond doubt. The Confederate Congress passed many acts favoring these States—exempting them from the payment of duties; formally voting them into the Confederacy, and appealing to them as sister States whose destiny was bound up with those already united at Montgomery. It seemed for a time a nice game between the National government and the Confederacy which should win the border States. Lincoln exhausted information about Fort Sumter and all pertaining to the question its reinforcement involved. As the result of much negotiation and many interviews Justice Campbell, of Alabama, of the United States Supreme Court, reinforced by Nelson, of New York, also of the Supreme Court, strongly advised the secretary of state against any attempt at coercion. Lincoln consented that Sumter should be evacuated, also Fort Pickens, and publication of the decision was made. South Carolina was now convinced that it would acquire its forts without fighting. General Scott advised that both forts should be given up. This was the political situation on March 28, 1861.

News of the president's decision amazed the North; the Cabinet divided in opinion; Lincoln himself was not satisfied

and on the following day ordered that a relief expedition should be gotten under way for Fort Sumter and on April 8th, Governor Pickens received intelligence from Lincoln by personal messenger, that an attempt would be made to supply Fort Sumter with provisions; that if it was unresisted, the government would not send military supplies without further notice, or unless the fort was attacked. In truth, the promise to evacuate Sumter had been made by Secretary Seward without Lincoln's authority or knowledge. The secretary, however astute as a politician, misconstrued the signs of the times, and at this stage of his official relations with Lincoln, underestimated his chief and was inclined to take matters into his own hand. It was at this time that he submitted his extraordinary "Thoughts for the president's consideration," which raised the question, as Nicolay and Hay express it—whether Seward should be "President or Premier." Lincoln quietly ignored the intrusion into the ethics of responsibility and continued president, also continuing Seward as secretary of state—which a less sagacious president might have omitted to do.

The issue had reached the point when the future must be peace, with secession and the recognition of the Confederacy, or war, with the suppression of insurrection and rebellion and the supremacy of National authority. This fateful decision rested on the conduct of the administration toward Major Anderson and the relief and support, or the abandonment and evacuation, of Fort Sumter. And essentially, for this reason, the American mind associates Fort Sumter with the existence of the Union. The fort itself was a fragile structure, even in 1861, before the destructive arms of modern warfare were devised—and could not hope to stand out against a formidable bombardment: but this quadrangular pile of stone and brick stood for an idea: the supremacy of the Union; the existence of the Nation; and its fall or evacuation must mean the triumph of all those ideas for which the Confederacy stood—ideas elaborated by its vice-president, Alexander H. Stephens. It is not strange

therefore that Lincoln and his Cabinet should ponder carefully over the situation. The course of thought and discussion at their early Cabinet meetings are sufficiently well known now to warrant the statement that hesitation to urge immediate reinforcement of Sumter, by some members, grew out of the horror of precipitating civil war. And at this critical moment, Virginia, assembled in Convention, was debating secession: Should it join the Confederacy, or remain in the Union? The decision might determine the fate of the Union, for Virginia, Mother of Presidents, and one of the largest, and, as it had been, most influential, of the members of the Union, would be affected by the decision of the administration as to Fort Sumter; to attempt to coerce South Carolina, as not a few supporters of the administration were urging, meant, as Lincoln clearly understood, the conjunction of Virginia with the Confederacy, and doubtless other border States would follow her. Thus the question of Fort Sumter involved vast political as it involved vast military consequences: and the national government once advanced, could not take back the foot.

Now by "coercion" the South understood what Lincoln in his inaugural called "the execution of the laws." It was impossible for the national government to pursue any other policy. With vision perfectly clear and with a profound conviction of the responsibility and the immediate consequences of his decision, Lincoln, on the 6th April, resolved that both Fort Sumter and Fort Pickens should be reinforced. Already Lincoln was experiencing the infirmity of a divided North, and he experienced it to the end of his life. As against a Southern Confederacy the North was a unit, but as against any policy which the administration might take to execute the laws of the United States within the domain claimed by that Confederacy, the North was divided. A strong peace party existed North, in sentiment essentially provincial and selfish, indifferent to national obligations, and essentially, though perhaps unknowingly, supporters of the ideas on which Vice-President Stephens had

declared that the Confederacy was founded. This peace party, early in 1861, was of that vain order which holds its critics and opponents in contempt and conceives itself as the true and proper nucleus for social and civil organization.

Lincoln's decision to reinforce Sumter was soon known to the Montgomery government. Robert Toombs, the Confederate secretary of state, shrinking from civil war, dissuaded Davis from allowing the secessionists to fire on Sumter, but the Southern Confederacy also had its existence at stake; the Southern mind was made up, it would brook no further compromise, it would hear no more of negotiation. South Carolina could not bear its eyeballs at the sight of a fort within its own coast-waters in possession of the enemy. Whatever Davis may have really believed was the wisest thing to do, there is no evidence that he had any thought of offending South Carolina. He gave the order to General Beauregard to demand Sumter's surrender, which if refused, he should proceed to compel by bombardment. Anderson refused to evacuate the fort. Davis, intent on the acquisition of the fort, through Walker, his secretary of war, demanded that Anderson should name the time when he would evacuate. Anderson fixed the 15th, at noon, unless sooner attacked, or reinforced. Beauregard refused the terms and gave Anderson notice that his batteries would open fire on the fort in an hour. At half-past four, on the morning of April 13th, a shell from the shore battery burst over Fort Sumter: it was a signal and the bombardment at once began and continued without cessation, all the Confederate batteries engaged, till the afternoon following, when, "with colors flying and drums beating, bringing away company and private property" and saluting his flag with fifty guns, Anderson marched out of the fort. An explosion within the fort injured several of the garrison, but no one, on either side, was killed during the engagement. Charleston, South Carolina and the Confederacy exulted, and Virginia determined to throw her fortunes with the Confederacy.

But the Confederacy had struck the first blow.

The shot which rose from the Cummings Point battery, signalling the opening of civil war, was fired by Edmund Ruffin, an aged secessionist, who had come from Virginia and asked the privilege, and the first shot from Fort Sumter was fired by Captain Abner Doubleday. Just before the war closed, convinced that the Confederate cause was lost, Ruffin committed suicide. Doubleday won great distinction in the war and became a major-general.

The fall of Fort Sumter was of slight military importance but of tremendous significance politically. It awoke the North to the conviction that debate and compromise and threatenings were things of the past; that war had come and that the Nation must arouse and defend itself against insurrection and rebellion. On April 15th, Lincoln called for 75,000 militia to aid in the execution of the laws, under authority of the act of 1795: he could call for no greater number under the act, nor for a longer period than thirty days after the commencement of the next session of Congress, and he summoned Congress to meet in extra session on the 4th of July. On the 1st of that month there were 310,000 men at the command of the government—so instant and effective was the response of the loyal States. Indeed, volunteers came on faster than the government could receive and equip them. On April 19th, the Sixth Massachusetts Regiment, while passing through Baltimore, on the way to Washington, was attacked by a mob. Four soldiers were killed, several of the mob, and a citizen who was watching the affray. A thousand Pennsylvania volunteers, unarmed, who had arrived on the train with the Massachusetts troops, were sent back, by the advice of the governor, to the Susquehanna River. To avoid further bloodshed through the transit of troops through the city, the local authorities caused the bridges to be burned on the railroads connecting with Harrisburg and the North—the Philadelphia, Wilmington and Baltimore, and the Northern Central. The National and State governments then agreed that troops should be taken

round Baltimore and not through it. Many at the North severely criticised the administration for this concession, but Lincoln wished to avoid war if possible and was determined to maintain amicable relations with the border States. On April 17th, Virginia formally seceded from the Union, the vote being taken in secret session of its convention. Jefferson Davis invited applications for letters of marque and reprisal against the commerce of the United States, to which Lincoln replied by proclaiming the Confederate coast, Texas to North Carolina, in a state of blockade and also that privateers acting under the pretended authority of the Confederate States would be treated as pirates. Harper's Ferry was abandoned by the Federal commander on the 18th, after he had destroyed the arsenal and the armory, and on the 20th, the Gosport navy-yard, with vast stores of supplies, was abandoned to the Confederates—both acts of haste and panic and crippling the national government. Already the administration had been considering the choice of an assistant to General Scott who should assume active command of the Union army; Lincoln and the secretary of war were anxious to give the command to Robert E. Lee, but General Lee, making no definite reply to the proposition when presented to him, and unwilling to draw his sword against Virginia, his native State, accepted its commission as commander in chief of its forces, offered him by its convention, and on April 20th resigned his commission in the United States army.

Meanwhile, volunteers were assembling all over the North, organizing in the large cities and at the county seats, eager to be sent to Washington. That city was in grave danger. Colonel A. K. McClure has left a graphic account of the situation at the Capital. "I began to get some insight into the utterly hopeless condition of the Government. I found General Scott disposed to talk rather freely about the situation, and I ventured to question him as to the condition of the Capital and his ability to defend it in case of an attack by General Beauregard. The answer to the first question I ventured was very assuring, coming from one whom I

supposed to know all about war, and to one who knew just nothing at all about it. I asked General Scott whether the Capital was in danger. His answer was, 'No, sir, the Capital is not in danger, the Capital is not in danger.' Knowing that General Scott could not have a large force at his command, knowing also that General Beauregard had a formidable force at his command at Charleston, and that the transportation of an army from Charleston to Washington would be the work of only a few days, I for the first time began to inquire in my own mind whether this great chieftain was, after all, equal to the exceptional necessities of the occasion. I said to him, if it was a proper question for him to answer, I would like to know how many men he had in Washington for its defense. His prompt answer was, 'Fifteen hundred, sir; fifteen hundred men and two batteries.' I then inquired whether Washington was a defensible city. The inquiry cast a shadow over the old veteran's face as he answered, 'No, sir; Washington is not a defensible city.' He then seemed to consider it necessary to emphasize his assertions of the safety of the Capital, and he pointed to the Potomac, that was visible from the President's window. Said he: 'You see that vessel?—a sloop of war, sir, a sloop of war.' I looked out and saw the vessel, but I could not help thinking, as I looked beyond to Arlington Heights, that one or two batteries, even of the ineffective class of those days, would knock the sloop of war to pieces in half an hour.

"As Johnston Cooper, and a number of other able soldiers had left the army but a short time before, I felt some anxiety to know who were commanding the forces under General Scott in Washington. He gave me their names, and within three days I saw that two of them had resigned and were already in Richmond and enlisted in the Confederate service. My doubts multiplied, and a great idol was shattered before I left the White House that morning. I could not resist the conclusion that General Scott was past all usefulness; that he had no adequate conception of the contest before us; and that he rested in confidence in Washington

when there was not a soldier of average intelligence in that city who did not know that Beauregard could capture it at any time within a week. My anxiety deepened with my doubts, and I continued my inquiries with the old warrior by asking him how many men General Beauregard had at Charleston. The old chieftain's head dropped almost upon his breast at this question, and a trace of despair was visible as he answered in tremulous tones: 'General Beauregard commands more men at Charleston than I command on the continent east of the frontier.' I asked him how long it would require Beauregard to transport his army to Washington. He answered that it might be done in three or four days. I then repeated the question, 'General, is not Washington in great danger?' The old warrior was at once aroused, straightened himself up in his chair with a degree of dignity that was crushing, and answered—'No, sir, the capital can't be taken; the capital can't be taken, sir.' President Lincoln listened to the conversation with evident interest, but said nothing. He sat intently gazing at General Scott, and whirling his spectacles around his fingers. When General Scott gave the final answer that the capital could not be taken, Lincoln, in his quaint way, said to General Scott, 'It does seem to me, General, that if I were Beauregard I would take Washington.' This expression from the president electrified the old war-lion again, and he answered with increased emphasis, 'Mr. President, the capital can't be taken, sir; it can't be taken.' "

It is not strange that Lincoln exclaimed, "Why don't they come? Why don't they come," when, on the 23d of April the capital was still unprotected and only the Sixth Massachusetts and the Pennsylvania volunteers had yet arrived and Beauregard's army might at any moment be marching up Pennsylvania Avenue. The machinery of war was not yet sufficiently in motion North or South to make possible an effective attack on either the National or the Confederate capital. On the 27th, 10,000 New York and Massachusetts troops arrived and Washington was considered safe.

The fears of Lincoln and the North for Washington were equalled by the fear of Davis and the South for Richmond, made the capital of the Confederacy upon the secession of Virginia. The question of secession, left to popular vote, was settled May 23d by a majority of nearly a hundred thousand in its favor—opposition coming almost wholly from the forty western counties. Ten days before, North Carolina, in convention, passed an ordinance of secession, which was approved by a majority of nearly 58,000, on June 8th; Arkansas seceded May 6th, the decision of these States being hastened by the president's call for troops and by his purpose to execute the laws—which the South with one voice denominated “coercion.” Popular sentiment in Maryland overruled the mind of its legislature and kept the State in the Union; Kentucky was divided, the eastern, the highland region, favoring continuance in the Union; the western, the lowland region, favoring secession. The result was the determination to remain neutral, but events compelled the State to remain within the Union. Missouri, bitterly divided, long hung in the balance—its adherence to either side depending on the fortune of war; but the Confederacy formally admitted it and received strong reinforcements from its people.

On July 20th, the Confederate government, by invitation of Virginia, made Richmond its capital. It had now admitted all the slaveholding States and was actually composed of eleven of them—all save Delaware, Maryland and Kentucky; Tennessee, though admitted, being divided in sentiment like Kentucky—the highland region loyal to the Union, the lowland, favoring adherence to the Confederacy. This division of sentiment applied in like manner to Virginia, North Carolina and even to Georgia: the mountainous regions of these States, being unadapted to slavery, and populated, though sparsely, by a class not in active sympathy with the traditions of the slaveholding lowlands, furnished many troops to the Union armies, yet, fewer than to the Confederate. The laws of climate operated with an effect

clearly comprehensible in the whole Appalachian highland, projecting as it does, like a peninsula of actual free soil into the South: the strength of the Confederacy lay, by the same law, in the lowlands—the region along the coast from Chesapeake Bay to the Rio Grande, and inland to the highlands. Had the coast of the Southern States been at a greater average elevation, say of five hundred feet, the Civil War would not have occurred.

When Congress assembled in special session, July 4th, and on the 20th, the Confederate Congress assembled at Richmond, there seemed, to foreign eyes, two governments in America: the one, composed of the twenty-three States of the North; the other, of eleven States of the South; President Lincoln, President Davis; Congress of the United States, Congress of the Confederate States of America: each government controlling vast resources, the one, of twenty-two millions of people wholly free; the other, of nine millions, of whom three and a half million were African slaves. Of the comparative resources, clear as history now makes them out, the world did not take adequate cognizance in 1861. In war there is always an element of doubt, and a greater, of chance. Neither North nor South measured her resources accurately, for war was a new occupation for the American people. No European government had profound respect for either the United States or the Confederacy, and excepting as the war between them might affect cotton and commerce and trade and manufactures at home, no European government was gravely concerned which might be the victor. There was no moral issue in slavery which stirred the English or the French people; they were concerned wholly with their own interests. Had Beauregard taken Washington in April or May, 1861, England and France would have recognized the Confederacy, and so an end; but neither England nor France could favor insurrection and rebellion without peril to its own conservatism. The Confederacy asked only one thing: independence; the United States purposed only one thing—the

maintenance of the national Union. Neither Lincoln nor Davis, at this stage of the conflict, referred to slavery. Neither section of the Union had believed that the other would fight, but the South was confident of ultimate victory. The thought of the hour, expressed by the pulpit, by the press, by political utterances, by private conversation, and by the publications called the literature of the time, reflect the state of mind in which the sections lived. The South looked upon the people of the North as shopkeepers, money-makers, money-lenders, anti-slavery fanatics—all classed under the general heading, "Yankees," the word of reproach throughout the slaveholding Confederacy. The North looked upon the people of the South as slave-drivers, cruel, hot-tempered—living the life depicted in *Uncle Tom's Cabin*, the permanent picture of Southern institutions under the old régime to Northerners to this day—bent on a causeless war and determined to break up the Union simply to have their own way. There was a growing hatred for Jefferson Davis but as yet very little thought of the negro—at the North. And yet the North knew that the negro question was at the bottom of the dispute and it wished the black race to a man back in Africa.

The serious problem for the North was to convince the South of the iniquity of slavery, and this conviction was none the less difficult because one-third of the population of the South was of slaves: for the slaves were in no way allied with the North and counted quite up to the close of the War as an effective resource to the Confederacy.

But in a larger sense, the problem in America, in 1861, was a revolution in the American mind, North and South, an intellectual and moral new birth: and it was this revolution which neither North nor South saw when the Civil War began.

But the division in opinion North and South was complete at the South, partial at the North, for to the end the South had sympathizers at the North. Neither section was prepared for war but was forced to extemporize implements of

defense, utilizing cast-off weapons, antiquated contrivances, imperfect machinery and inadequate means of transportation. A freight car in ordinary use to-day has four times the capacity of the car in use in 1861, and the contrast runs throughout the railroad equipment. Single track lines, small locomotives, low speed, cumbersome devices, delayed, rather than prevented the assembling of the armies of the North—and facilities for transportation at the South were many times worse than at the North. The very direction of the river flow at the South kept back its armies, while the Northern streams flowed southward and aided in converging the armies of the Nation upon the Confederacy. The comparison of North and South in a preceding chapter, though chiefly of a time fifteen years before the war, remained relatively true at its opening. The economic situation favored the North, for there the people were busy artisans, mechanics, inventors, working with their own hands—and the Southern gentleman who was a dead shot with the rifle was not so effective a military engine as the Northern mechanic who had never used fire-arms.

Colonel McClure's account of his conversation with General Scott, in Lincoln's presence, on the defenses of Washington, reveals the weakness of the North at the outset of the war: the lack of a soldier at the head of the army, Scott, the commander-in-chief being already in his dotage. The Confederacy had General Robert E. Lee, whom it had secured through Virginia's secession—unquestionably the greatest gift the Confederacy received. That he believed it his duty to support the Southern cause no man doubts, and the regret of the North concerning him is not so much that the Nation fought against him but that his services were lost to the Nation.

England, says a distinguished historian of the war, disappointed both North and South, when, on the 13th of May, 1861, the Queen's "Proclamation of Neutrality" issued: the South was confident that the demand of the English working people and of manufacturers for cotton would force the

government to recognition of the Confederacy, if not to an alliance with it; the North did not believe that England would recognize the Confederacy as a belligerent. The recognition, for a time, threatened, in Secretary Seward's hands, to precipitate the United States into war with England, and for a time English opinion, hostile, was outspoken. Lincoln, ever wise, happily took the direction of foreign affairs into his own hands, and Charles Francis Adams, the American Minister in England, equal to the delicate and serious duties of the hour, gradually set the English mind right toward America, though to the end of the war, and for years afterward, multitudes of Americans, North, cherished the belief that England secretly favored the Confederacy—and doubtless the legend will run to the end of time. Slowly the North came to believe that not only peace but justice between the two nations was the work of two persons only: the Queen and Lincoln—and the most elaborate history of Anglo-American relations throughout the Civil War tends to confirm the truth of this belief of the North. But it took the English mind a long time to understand the situation in America. Years after the close of the war, an English statesman, twice a Cabinet minister, wrote in private correspondence to the author: "I began by believing that it (the war) was of the nature of an international conflict, and with my feeling about the contemporary struggle for Italian independence, I commenced as a Southerner. Then, when toward 1865, I entered on my apprenticeship to practical politics at home, I began to see that the United States were in truth one nation; and that the conflict was between a political party which had governed the country for many years, and was determined not to give up power to their adversaries, and the Republicans who at last had obtained power by constitutional methods, and had a perfect right to exercise it in their turn. That great political question was intertwined inextricably with slavery." Herein is undoubtedly expressed the rising opinion in the English mind toward the close of the war, and in later years. It was the slight

opinion of the United States as a world power, quite as much as the home demand for American cotton that pressed upon members of the House of Commons to desire recognition of the Confederacy. England wanted cotton, disliked slavery and hated the Morrill tariff act, and thus divided in mind, was bound to reach ultimately whatever decision might be determined by arms in America. The position of the United States among nations depended in 1861 wholly on its victories or defeats: whence Lincoln's constant desire—victory.

The response of Congress to the president's requests, as stated in his message to that body, was immediate, enthusiastic and complete. He asked for 400,000 men; Congress authorized him to accept the services of 500,000; it authorized a loan of \$250,000,000, increased the duties, levied a direct tax of \$20,000,000, and also, an income-tax. The president had suspended the writ of habeas corpus, he had called for three-year troops, he had increased the navy—all extra-constitutional acts. Congress approved them. He defined the war as "rebellion;" the secessionists were trying to overthrow the government, the leading object of whose existence, said Lincoln, is "to afford all an unfettered start and a fair chance in the race for life." He said nothing of slavery. No president so immediately entered upon an astute and successful management of Congress as did Lincoln from this time; difficulties, obstacles, defeats awaited him but his superior mind triumphed at last; he dominated public thought.

The cry at the North was now "On to Richmond!" The nation was becoming impatient. Beauregard lay at Manassas Junction with an army of 21,900. General Joseph E. Johnston with 9,000 men was in the Shenandoah valley and might join Beauregard. General Patterson, with some 20,000 near Martinsburg, had been instructed to destroy Johnston's force, or at least to keep him from joining Beauregard. General McDowell, with an army of 30,000, on July 16th, advanced, the Confederates retiring before him, and occupied Centreville the following day. A skirmish here at Blackburn's Ford of Bull Run was a Confederate success.

Beauregard asked Davis for reinforcements and Johnston was ordered to join him. Johnston out-generalled Patterson and on the 20th was at Manassas Junction, Patterson till then ignorant of the movement. Next morning, McDowell began the attack and having superior numbers drove back the Confederates. The brigade of Thomas J. Jackson stood firm, awaiting attack. "Look at Jackson," cried out General Bee, a Confederate brigadier, "there he stands like a stone-wall." And the famous soldier there and then received the name by which he is best known to history. Beauregard and Johnston, believing that McDowell was attempting to turn their left, pushed on to meet him. The contest was for the possession of the higher ground called Henry's Plateau. Here the tide of battle ebbed and flowed, McDowell drove back the Confederates and thought the victory won. Beauregard ordered up his entire force and the reserve. Fresh cheers were heard; it was reinforcements from the Army of the Shenandoah, 2,300 men under Kirby Smith. The Union troops were suddenly panic-stricken. The Confederates pursued. Crowded at Centreville and nearer the scene of battle was a great company of civilians, who had come out from Washington to see the fight and congratulate the victors. They were swept away by the fugitives and a tumultuous mass, panic-stricken, was soon racing for the capital. The civilians and some of the soldiers did not stop till they had entered Washington. But the Confederates did not pursue; they too were disorganized. Bull Run was the first battle of the war fought by the pick of Northern and Southern regiments. "Best planned but one of the worst fought battles of the war," wrote General Sherman, long years afterward. Such was the state of mind of the men in both armies at the time, that whether the rout should be Northward or Southward depended upon a chance; the 2,300 men from Johnston's army determined the direction the rout took. "The Confederate army," writes General Johnston in his *Narrative*, "was more disorganized by victory than that of the United States by defeat."

The first reports from Bull Run had been of a Union victory. The battle was fought on Sunday and many Northern people imputed defeat to that. The South translated the battle into a glorious victory and renewed its confidence of winning independence. The North, when all the news was in, grimly went on recruiting. Most unfortunate for the Nation was the effect of the defeat on English opinion. Mason and Slidell, the Confederate commissioners, now urged upon Earl Russell the recognition of the independence of the Confederacy, but were assured that the recognition would not be made. Public opinion in England interpreted the news from Bull Run as proof of the hopeless division of the United States and the Confederate commissioners took comfort.

Bull Run retired McDowell. Lincoln placed George B. McClellan in command of the troops in and about Washington, and he immediately began drilling them into an army. He was at this time in his thirty-fifth year; a graduate from West Point. "Stonewall" Jackson and he were in the same class. At the outbreak of the war he was living in Cincinnati and was president of the eastern division of the Ohio and Mississippi Railroad. At the time of Bull Run he was a major-general, his commission dating back to the May before.

On August 3d, Congress passed the sequestration act by which slave owners whose slaves were required to labor in forts or retrenchments, or to serve in any capacity in the naval or military service of the Confederacy should forfeit title to such slaves, the first act of Congress affecting slavery, passed after the beginning of the war. The National government was early embarrassed by the presence of fugitive slaves. Lincoln had signed the confiscation act, with reluctance. In Missouri, General Frémont put an immediate meaning into the act, on August 30th, by declaring free the slaves of persons who had taken up arms against the National government. This innovation was startling. Lincoln at once requested Frémont to modify his proclamation, but

that officer demurring, the president ordered its modification. Frémont obeyed, but the first step toward negro emancipation had been taken. Frémont's act, altogether untimely, was hailed with enthusiasm among radicals, North, and Lincoln's order was denounced as pro-slavery. Frémont's act caused the first split in the Republican party: from this time it tended to become an abolition party. Among Frémont's defenders were Sumner, in the Senate, and Salmon P. Chase, the secretary of the treasury. But the worst immediate effect of Frémont's act was in the border States, where anti-slavery sentiments were bound to weaken the National support. Lincoln, in order to hold the loyal people of the border States to the support of the Union, was bound to consider Frémont's position in the army carefully. As the result of many counsels with Frémont's superiors, Lincoln at last removed him, October 24th, on the military charge of incompetency.

Whatever may have been Lincoln's convictions, at this time, of the ultimate fate of slavery, as the result of the war, he knew that the Nation was not yet in a state of mind which demanded enforcement of such a policy as Frémont had attempted by his proclamation. Lincoln knew that the Union must be preserved, if at all, not by the will of radicals, but by the will of conservative Americans of all parties and the mind of the majority was not yet that of the abolitionists. The president's course in the Frémont matter undoubtedly won him the support of many Northern Democrats from this time, though the majority of the party bearing that name remained to the end opposed to the war.

On November 6th, the people of the Confederate South chose presidential electors who, at the meeting of the electoral college, a month later, unanimously re-elected Davis and Stephens for the full term of six years, beginning February 22, 1862.

During the early days of August, General McClellan began that variance with General Scott which, increasing, brought about his succession, October 31st, to the command

of the Union armies. The elder soldier's failing health was a sufficient cause for his retirement and McClellan was of rank to succeed him. At the time of his appointment he had under him a well drilled army of nearly 170,000 men. He had the confidence of the army, of Congress, of the president and Cabinet and of the people. At this time the flags in the Confederate camp at Munson's Hill, six and a half miles from Washington, could be seen from the capital, but communication with the North from Washington was more or less interrupted. The lower Potomac was in possession of the Confederates. The Union army was under continual drill and all was quiet on the Potomac. But many wondered why McClellan did not push across the river and attack Johnston, who during the last week of September had withdrawn from Munson's Hill, and by October 19th was at Centreville and Manassas Junction. The Confederate commander lacked arms and munitions, or it may be doubted whether he would not have attacked McClellan.

Posterity is always critical because it knows the past, or believes it knows the past, better than they then living. The voluminous literature on the Civil War has long since made plain that McClellan delayed when he should have acted: but the public knew nothing of his despatches, nor of Lincoln's patience with him, nor of the inefficiency, in numbers and equipment, of Johnston's army: and the autumn passed away when a great soldier would have been on the march and fighting battles. The singular weakness of McClellan was his incapacity to understand that anyone else but himself and his favorite officers possessed military judgment. In the annals of war no man raised to the pinnacle of power as was he has shown so slight respect for the opinions of others: with him it was not a national struggle but a war to be waged as he alone thought best; whence his ceaseless complaints and requests for more men. Thus by his own figures, he had, at the close of October, an effective force of 134,285, while Johnston's was 41,000, and every branch of the service was better equipped in the National

than in the Confederate army. While McClellan was hesitating, occurred, October 21st, the battle of Ball's Bluff, a Union defeat, and from this time his irresolution grew upon him; he believed that Johnston had a force of at least 150,000 men. The record against McClellan he wrote himself—not alone by inaction, but with the pen which gave the world his letters and his own book. He welcomes bad weather because it settles his doubt and self-debate about a forward movement. And yet no general in the Union armies ever won the soldiers' hearts more completely. To the Army of the Potomac he was "Little Mac" and a favorite to the end. With infinite patience Lincoln put up with personal ill treatment and public inaction—hoping ever that McClellan would do something. And the president apologized for him to the public. Eulogists of McClellan to this day point to the subsequent deeds of the Army of the Potomac and attribute them to McClellan's drill while all was quiet on the Potomac. The eulogy is well placed, but the western armies which fought all the way down the Mississippi and the Gulf and across Georgia, up into North Carolina, under Sherman, and Thomas and Grant, were not drilled by McClellan, yet they won imperishable victories. Had McClellan not chosen to reveal himself in his despatches, his private letters and his *Own Story*, in which all are published, he would have passed into the kindly oblivion of other early and unsuccessful generals of the war.

The Confederate government had appointed James M. Mason and John Slidell commissioners to Great Britain and France. Escaping the blockade they reached Havana and took passage on the *Trent*, a British mail steamer, for England. On the 8th of November, a day out from Havana, the *Trent* was overhauled by the *San Jacinto*, Captain Wilkes, of the American navy. The mail steamer, ignoring a shot, was brought to by a shell; an officer and crew from the *San Jacinto* boarded the *Trent*, seized Mason and Slidell, and their secretaries, by force, despite the appeal of the commissioners to the protection of the British flag, and the

protest of the English captain in charge of the mails. The prisoners were conveyed to Fort Warren, in Boston harbor, and the *Trent* proceeded on her way. At first public sentiment was enthusiastic, at the North, in justification of the act of Captain Wilkes, but even the president's Cabinet, save Montgomery Blair, the postmaster general, sided with public sentiment. The president was not in sympathy with this sentiment. The British government promptly demanded the surrender of the commissioners; if the United States government made no answer, or an unfavorable one, and Seward was given seven days in which to reply, the British minister, Lord Lyons, should "repair immediately to London." Opinion hostile to America in England was fanned to a war heat, but the mass of Englishmen were with their government.

Seward promptly disavowed Captain Wilkes's authority from the government to commit the act; conservative opinion in England was already considering arbitration. On December 18th Lord Lyons made Seward acquainted with the conclusions of his government, the liberation of the prisoners. At a Cabinet meeting on Christmas morning the despatch from Earl Russell was read, and Sumner, present by invitation, also read private letters from men high in authority and influence in England. France sustained England in her demand. Seward, in a lengthy reply, disavowing the official character of the act of arrest, "cheerfully liberated" the prisoners; they were delivered to an English steamer at Provincetown, and the peril of war was averted. Lincoln voiced American sober second thought: one war at a time—and moreover, the seizure of the commissioners violated the principle in defense of which the United States had fought the War of 1812. Gladstone, and John Bright, the Duke of Argyll, Richard Cobden, Charles Darwin and men who believed and trusted them in England hailed the conclusion of the matter with joy.

When Congress met in December the year had not brought triumph or cause of great joy to the Nation; the South had won at Bull Run and Ball's Bluff; the president's message

had a gloomy tone: the Nation was expending upward of \$2,000,000 a day, chiefly in support and equipment of its army and navy, and as yet no victory. The anti-war feeling at the North was finding utterance. In Maryland, some twenty members of the legislature were arrested by order of Secretary Stanton on suspicion of intending to carry an ordinance of secession and were confined in Northern forts; similar arrests were made in Missouri and Kentucky. Their arrest, and that of other citizens of these States was made in execution of the programme to which the administration was devoted—to minimize every risk of the loss of the border States. Similar arrests in New Jersey, Maine, Vermont, New York and Connecticut, in most cases by order of the secretary of war, were made under the charge of acts tending to rebellion, treasonable speech, and giving aid and comfort to the enemy. One of the arrested was editor of the New York *Daily News*, a rancorous sheet libellous toward the government and in sympathy with the South. These and many other arrests gave rise to charges of absolutism against the administration, but public sentiment sustained the government. To rancorous opponents of the government was given the name "Copperheads," suggested by the habit of a small, poisonous snake which bites the heel of the traveller. But the "Copperheads" were not alone in complaining of arbitrary arrests and the suspension of the writ of habeas corpus. Able lawyers, warm supporters of the government, questioned the constitutionality of the president's course. A case involving the question reached the Supreme Court and was decided two years after Lincoln's death: the president cannot suspend the writ unless authorized to do so by Congress; but during the early period of the war and indeed, throughout the conflict, Lincoln suspended the writ when he believed that the exigency of public affairs required it. The so-called arbitrary arrests were of suspects whose undisturbed course must have injured the national cause.

In January, 1862, the expenses of the government were \$2,000,000 a day; the banks had suspended specie payment;

it was estimated that the government would require \$100,000,000 during the first quarter of the year; Congress expected that the tariff and other taxes would turn in \$150,000,000. The government must use its credit and borrow, but the 7-30 bonds were at 4 per cent. At this moment an issue of non-interest bearing treasury notes was proposed—\$100,000,000 the amount, receivable for all debts and a legal tender; all treasury notes issued earlier were to be declared legal tender also. The proposition was an issue of paper money on the credit of the government. Opposition to the whole scheme developed among the bankers of the country. Secretary Chase at first objected to the legal-tender clause of the proposed act. A conference between him and the bankers resulted in the National Banking Act; the secretary withdrawing his objections to making anything else than coin a legal tender for the payment of debts. The legal tender act of February 25, 1862, was an attempt to make by law the paper money of the government as good as gold: it was an act to make fiat money. Its supporters asserted that it was no more in substance than a government loan, though a forced one; its opponents objected to it on the ground of its excessive cost to the country, the taxpayers having to make the promise of the government good. Its supporters made the necessities of the government one of the excuses for issuing paper money by fiat; its opponents argued that a long time voluntary loan would cost the government less and avoid the folly of trying to make something out of nothing. But the treasury was empty; the tax laws did not produce a revenue equal to public needs and Congress shrank from increasing the taxes. But ultimately, the depreciation of the treasury notes had to be met by taxation. This depreciation was one of the large expenses of the war. In theory, the government should have conducted the war by means of taxation and voluntary loans; in practice, it conducted it by taxation and by forced loans of which latter the making treasury notes a legal tender was the example. The constitutionality of the legal tender act was passed on by

the Supreme Court in 1869. Secretary Chase had meanwhile become chief justice and the court consisted of eight members. The chief justice and four of his associates held that the act making treasury notes a legal tender in payment of pre-existing debts was unconstitutional; that the nearly \$400,000,000 in paper issued under the several acts —of which that of February, 1862, was first—were not a legal tender and that the cause of their free circulation among the people was their quality of receivability for public debts and not their quality as legal tender notes. Mr. Justice Miller and two other associate justices dissented, holding that the acts were necessary and proper to execute the powers vested by the Constitution in the national government and that Congress had the choice of means and was empowered to use any which in its judgment might bring about the end desired. Two years later the Court reversed its decision; but meanwhile the Court had been enlarged to nine members, and one of the four who had supported the chief justice, had resigned—Mr. Justice Grier. Both of the new justices, William Strong, of Pennsylvania, and Joseph P. Bradley, of New Jersey, held to the constitutionality of the legal tender acts. The decision went further than in 1869 the dissenting opinion of the minority had gone. The Court now held that Congress could give the quality of money to United States notes; that the promise of the government to pay money was for the time equivalent in value to gold and silver coin. Chief Justice Chase and three associate justices dissented, holding that the government could emit treasury notes as a means of borrowing money but, under the Constitution, could make nothing but gold or silver a legal tender. Again, in 1883, the Court sustained the constitutionality of the act of 1878. Its earlier decision had held to the constitutionality of the legal tender acts during the war, largely because of the war powers of Congress under the Constitution; in 1883, it held that Congress had power to enact the law of 1878 by which, in time of peace, the notes could be re-issued.

and made a legal tender for the payment of private debts. In its later decision the Court followed the decisions of Chief Justice Marshall adverse to the power of the States to issue legal tender notes: that is, the United States can make paper money a legal tender but a State cannot, a doctrine and decision, which, growing out of the definition of the nature of the national government given by the Civil War, goes far to overthrow the old doctrine of State sovereignty on which the right of secession was said to rest. The legal tender acts which characterize the financial legislation of Congress during the War were a part of that whole legislative movement which tended to and actually did overthrow the doctrine of State sovereignty and tended to establish and did establish the doctrine of national sovereignty: the final decisions of the Supreme Court sustaining the latter doctrine.

That the legal tender acts cost the American people dearly cannot be doubted; that some other financial plan, cheaper, equally effective, might have been adopted, it is possible to conceive. The important fact in the whole matter is, that, whether pursuant to a false or a true economy, the financing of the war, as actually carried on by Congress, exemplified, equally with the ultimate success of the national arms, the supremacy of the National idea over the Confederate idea: and the question of supremacy of the one or of the other was the supreme issue of the war. If the financial legislation of the War proceeded along wrong economic lines, that error must be set down along with military and naval errors, with errors of the executive, with errors of all sorts: and the Civil War was a period of errors. The important question is—What occurred despite the errors?

Critically important as was the financial legislation of Congress, at the opening of 1862, and uneconomical and therefore wasteful as the legal tender act may have been, the North at the time was far less concerned about the matter than over the Army of the Potomac. McClellan was doing nothing and the North was asking, why does it not

move? Inaction was already counting as national defeat in the minds of European statesmen and in the convictions of the people at home. Chase had the confidence of the public, who believed him a great minister of finance; foreign relations were steadier and the North thought well of Seward, but the immediate cause of all this enormous expense, this enlisting and recruiting and ceaseless drilling, the army, was doing nothing. The North was losing faith in McClellan. It was at this time that Lincoln said: "If something is not done soon the bottom will be out of the whole affair; and if General McClellan does not want to use the army I would like to borrow it, provided I could see how it could be made to do something." McClellan gave no definite answer to the president's inquiry when he purposed to move and after waiting two weeks longer Lincoln issued his "General War Order Number 1," January 27th, naming the 22d of February for a general forward movement of the National forces, land and naval, against the Confederates and specially ordered that the Army of the Potomac seize Manassas Junction.

In the West the national cause had fared better: General George H. Thomas, a Virginian, defeated the Confederates at Mill Spring, Kentucky, on January 19th; and on February 7th, General Burnside in conjunction with Commodore Goldsborough seized Roanoke Island, North Carolina, and General Grant had been active in Tennessee. The Confederate line extended from Columbus, at the junction of the Tennessee with the Ohio, eastward to Bowling Green. Fort Henry, on the Tennessee, and Fort Donelson, on the Cumberland, eleven miles apart, made the Confederate line seemingly impregnable. Grant received authority from General Halleck—who, chief in command of the armies of the West, had his headquarters at St. Louis—to attack Fort Henry. Co-operating with Flag-officer Foote, who commanded the Federal fleet on the Tennessee, Grant attacked Fort Henry. It fell February 6th and Grant at once telegraphed Halleck that he would destroy Fort Donelson on

the 8th. The storms made the roads impassable and Grant was forced to send some of his troops by water with the gunboats. These engaged the fort on the 14th. The weather suddenly changed to sleet and snow; the troops had left tents, blankets, overcoats behind and now under the guns of the fort they dared light no fires. General Floyd, lately of Buchanan's Cabinet, was in command of the fort; with Generals Pillow and Buckner, he held a council of war and it was determined to attack Grant. At five o'clock, on the morning of the 15th, General Pillow's division made a sally, attacking McCleernand, who, hard pushed, asked for reinforcements, and the Confederates being now reinforced, McCleernand was compelled to fall back. General Lew Wallace repelled the Confederate charge. Grant was not on the field but in counsel with Foote, who had been seriously wounded, and as it proved, fatally. Grant was five miles from the fight; as he came on the field he saw the right line in confusion. It was the critical moment. Speaking quietly to McCleernand and Wallace, he said, "The position on the right must be retaken." He directed Colonel Webster to call out to the men: "Fill your cartridge-boxes quick and get into line; the enemy is trying to escape and he must not be permitted to do so." An immediate and general advance, a charge along the line, and the Confederates were driven within the fort; the Confederates were shut up within the fort. The three generals took counsel and determined to capitulate. Floyd turned the command over to Pillow and Pillow passed it immediately to Buckner; Floyd and some 1,500 of his Virginia troops escaped by means of two steamers; Pillow got away in a skiff; Colonel Forrest led 500 of his cavalry over the submerged road. On the morning of the 16th Buckner wrote to Grant, asking for terms of surrender, to which Grant replied: "Yours of this date proposing armistice and appointment of commissioners to settle terms of capitulation received. No terms except unconditional and immediate surrender can be accepted. I propose to move immediately upon your works."

The surrender was the first great national victory; some five thousand men, forty pieces of artillery and a vast supply of military stores fell into the hands of the victors; but the moral effect of the surrender at the North cannot be estimated. It gave a sense of security and of ultimate triumph that no other victory of the War gave the North. "Unconditional Surrender" Grant suddenly had won national fame. Opinion in England shifted again toward belief in the permanency of the Union; at the South the surrender was recognized to be, as Albert Sidney Johnston, the Confederate Commander in the West, expressed it, "most disastrous; almost without remedy." Kentucky was won back from the Confederacy. The surrender came just a week before the inauguration of Jefferson Davis as president of the Confederacy under its permanent constitution. The South was thinking more of the loss of Fort Donelson than of the inauguration of Davis and Stephens.

Grant's victory made the North forget, for a moment, McClellan's inactivity.

But the Army of the Potomac moved. Three times as large as the army it confronted; better equipped, better drilled, better fed and clothed, there had not been an hour, for long, weary months, when, had McClellan taken the initiative and attacked Johnston, the Confederates must not have fallen back toward Richmond. But McClellan was not a fighter; Johnston knew this better than McClellan and acted accordingly, but when in obedience to Lincoln's general order, the Army of the Potomac advanced, February 22d, Johnston, fearing results, began his retreat down the south bank of the Rappahannock, removing what stores he could from his long occupied quarters at Manassas Junction and burning the remainder—probably more than he was able to carry away. When he learned of Johnston's movement, McClellan gave orders to occupy Manassas. The revelations which followed amused and angered the North: Quaker guns, imitation ramparts, a vanished enemy. McClellan's delusions melted into mist; he had confronted

his own imagination with the Army of the Potomac. "When before, in all history," asked Hawthorne, "do we find a general in command of half a million of men, and in presence of an enemy inferior in numbers and no better discipline than his own troops, leaving it still debatable, after the better part of a year, whether he is a soldier or no?" And Hawthorne's question was the question in the mind of the whole North—Had McClellan's antagonist, General Johnston, been at the head of a Confederate Army of the Potomac, equipped and numerous as was that capable force, what Northern man does not even now shrink from the thought of results that must have followed? Who can imagine that Jefferson Davis would not have found reasons for removing the Confederate capital to Washington?

The months of inactivity in the Army of the Potomac had been months of depression in the Confederacy. The South had been confident of speedy victory but the North had aroused itself to fight. Johnston's army had suffered heavily from disease and as yet the military organization of the Confederacy was loose; a conscription of all white men between the ages of eighteen and thirty-five was provided for by the act of March 11th, and the term of all enlisted men was extended to three years. Lincoln would have McClellan advance at once upon Richmond, by land, while yet the way was open; McClellan had a plan for an advance by water, starting from the lower Chesapeake and approaching safely upon the Confederate capital. Looking backward, it seems almost incomprehensible that McClellan's policy should have been tolerated, but the explanation lies in the lack of a better man; Grant had struck a blow at Fort Donelson, but the eye of the North was set toward Richmond and the Army of the Potomac and its commander were not far from that capital.

On the 8th of March, the *Merrimac*, a Confederate ironclad, appeared in Hampton Roads. When the Gosport navy-yard fell into the hands of the Confederates they found the United States steam frigate partially burned, sunk; they

raised her and covered her with iron plates. The work began in July. In October, the United States began building the *Monitor*, designed by John Ericsson; the Confederate iron-clad was completed shortly before the *Monitor*. Her arrival in Hampton Roads was immediately followed by her destruction of the *Congress*, a frigate of fifty guns, and the *Cumberland*, a sloop of twenty-four guns. The Union fleet was at her mercy.

As the *Merrimac* drew twenty-two feet she returned to Sewell's Point, just at evening, her officers not venturing to make the channel on a falling tide; they planned to return next morning and destroy the remainder of the fleet, including the *Minnesota* and several powerful men of war. News of the disaster alarmed Lincoln and his Cabinet; the Union navy was powerless before the *Merrimac*; she could enter and bombard every Northern port at her pleasure. Amidst the anxiety the *Monitor*, which had made the voyage down from New York in bad weather, steamed into Hampton Roads toward evening of the 8th and took a position from which she could defend the *Minnesota*. The *Merrimac* returned to the attack, early on the morning of the 9th: the *Monitor* interposed and began firing. The two iron-clads then joined battle. Save a slight indentation of the *Merrimac*'s plates, she received no damage, but she was leaking; the *Monitor* was uninjured; a few men on the *Merrimac* were wounded by the concussion, and Lieutenant John L. Worden, commander of the *Monitor*, was blinded by a Confederate shot which struck the *Monitor*'s sight-hole, directly. This injury to her commander put her out of action for a few minutes, and the *Merrimac*'s commander, Buchanan, interpreting the cessation of the firing as a sign of defeat, and fearing lest his ship might sink, she was leaking so badly, ran her ashore. The *Monitor* had saved more than the Union fleet; she had demonstrated that the *Merrimac* and vessels like her could be met on equal terms. More than this, the conflict, the first between iron-clads, sounded the knell of wooden ships of war; yet, at the time

of the encounter, the world did not grasp the significance of it all. A fleet of monitors was immediately constructed and the blockade of Southern ports became more complete as the war progressed.

The fall of Forts Henry and Donelson carried the Confederate line southward across central Tennessee; Missouri and Arkansas were under National control, through the successful efforts of General Curtis, but Memphis, Corinth and Vicksburg were military centres and strongly fortified by the Confederates. General Grant was not a favorite with General Halleck, who reported to McClellan his negligence in making reports. Then too, Grant's habits were not above criticism. McClellan ordered Halleck not to hesitate to arrest Grant, if the good of the service required it, and to give his command to General C. F. Smith. Halleck placed Smith in command of the expedition up the Tennessee. Grant made ample explanations of the apparent negligence in sending in reports, which satisfied Halleck. Just at this time General Smith was incapacitated from active service by an accident and Grant was restored to the command of the Army of the Tennessee. At Pittsburg Landing lay Grant with five divisions; General Lew Wallace with one division was at a point five miles below, called Crump's Landing. The Confederate army at Corinth, Mississippi, was the objective. General Buell's command, the Army of the Ohio, was to effect a conjunction with the Army of the Tennessee at Savannah, in western Tennessee. Grant appears to have had no anticipation of an attack at Pittsburg Landing. The Confederates under chief command of Albert Sidney Johnston lay at Corinth, where Johnston had joined Beauregard. This was April 3d. Beauregard was for remaining at Corinth but Johnston was resolved to take Grant by surprise and in the early morning of April 6th attacked him at Pittsburg Landing. General Halleck in his report of the battle that ensued denies that the Union army was taken by surprise; so, too, Grant and Sherman in their memoirs; but it does not appear that the Union commander

realized at first that the entire Confederate army of 40,000 men was attacking him. He was at breakfast, at Savannah, six miles away, when the attack opened; he ordered up Wallace, and sent word to Nelson, of Buell's army, to hasten from Savannah. It has been said by several military historians that the battle of Pittsburg Landing was fought not by General Grant but by his generals—Sherman, McClelland, Prentiss, and W. H. L. Wallace. Prentiss was forced to surrender and Wallace was killed. While leading a charge General Johnston was wounded. He ordered his surgeon to attend to the wounded men; his own wound, a ball in the leg which severed an artery, thus neglected by his insistent care for others, proved fatal.

The purpose of the Confederates was to overwhelm the Union army, capture or destroy it. The first day's fighting was indecisive. Meanwhile the Union gunboats came up and shelled the woods, keeping up their fire all night and preventing the Confederates from getting rest. Sunday night, Grant and Buell met on the field and planned a general attack for next morning. The battle raged until mid-afternoon, when the Confederates retired; the Union army made no effective pursuit. The Union loss was 13,000; the Confederate, 10,700.

Pittsburg Landing, or Shiloh, as the battle is sometimes called, was the first of magnitude in the Civil War. More men were lost in it than Washington ever commanded at one time. Some military historians record that the arrival of Buell's army saved the Army of the Tennessee from destruction; others, that Grant could have saved the day without Buell's reinforcements. The Northern press, commenting on the battle, blamed Grant for carelessness: criticism was sharp and bitter and his retirement from the army was demanded, culminating, at last, in a strong appeal to Lincoln to remove him. Colonel McClure tells the whole story of public opinion at the time. "So much was I impressed with the importance of prompt action on the part of the President, after spending a day and evening in

Washington, that I called on Lincoln at eleven o'clock at night and sat with him alone until after one o'clock in the morning. He was, as usual, worn out with the day's exacting duties, but he did not permit me to depart until the Grant matter had been gone over and many other things relating to the war which he wished to discuss. I pressed upon him with all the earnestness I could command the immediate removal of Grant as an imperious necessity to sustain himself. As was his custom, he said but little, only enough to make me continue the discussion until it was exhausted. He sat before the open fire in the old Cabinet room, most of the time with his feet up on the high marble mantel, and exhibited unusual distress at the complicated condition of military affairs. Nearly every day brought some new and perplexing military complication. He had gone through a long winter of terrible strain with McClellan and the Army of the Potomac; and from the day that Grant started on his Southern expedition until the battle of Shiloh he had had little else than jarring and confusion among his generals in the West. He knew that I had no ends to serve in urging Grant's removal, beyond the single desire to make him be just to himself, and he listened patiently. I appealed to Lincoln for his own sake to remove Grant at once, and giving my reasons for it simply voiced the admittedly overwhelming protest from the loyal people of the land against Grant's continuance in command. I could form no judgment during the conversation as to what effect my arguments had upon him beyond the fact that he was greatly distressed at this new complication. When I had said everything that could be said from my standpoint, we lapsed into silence. He then gathered himself up in his chair, and said in a tone of earnestness that I shall never forget: 'I can't spare this man; he fights.' That was all he said, but I knew that it was enough, and that Grant was safe in Lincoln's hands against his countless hosts of enemies. The only man in all the Nation who had the power to save Grant was Lincoln, and he had decided to do it."

On April 7th, while the battle of Shiloh was raging, Island No. 10 with some 6,500 prisoners fell into Federal hands. Halleck appointed General Thomas to command the right wing of the Army of the West; Pope, the left wing; Buell, the centre, with Grant second to Pope. It was Sherman's influence at this time which kept Grant from resigning from the army. The Confederate army, under Beauregard, fell back toward Corinth. New Orleans surrendered to Farragut, April 24th, and General B. F. Butler with 2,500 troops took possession of the city. The capture of New Orleans was a deadly blow to the Confederacy. It was the principal port, the principal city of the South; as Jefferson had said nearly sixty years before, whoever controlled New Orleans must control the Mississippi River. If there was any intention at Paris or London to give official aid to the Confederacy, it vanished at the news of the capture of New Orleans.

The confiscation act of 1861 was amended and made more comprehensive during July, the year following: slaves found in any place occupied by Confederate forces, or escaping from masters engaged in rebellion against the United States and taking refuge in the Union armies were declared free, and the president was empowered to employ "persons of African descent" in such manner as he thought proper for the suppression of rebellion. If he chose to colonize any such persons, freed by the act, the colonists were to have all the rights and privileges of freemen. The enrollment of negro troops was at variance with the laws and the practices of more than thirty States. On June 19th, Congress abolished slavery in the Territories, thus applying the principle which Lincoln had said in his Cooper Institute speech was the principle of the Fathers concerning slavery. Yet a week before this act passed, Congress had abolished slavery in the District of Columbia. The extent of abolition thus far was Federal territory, except as to the emancipatory powers authorized by the amended confiscation act, the terms of which have been stated above.

Lincoln had long desired the disappearance of slavery from the States. On March 6th, he sent a special message to Congress recommending compensated emancipation: the United States to co-operate with any State to that end. His suggestion, in the form of a joint resolution, passed both Houses the 10th of April. He then sought to get favorable action from the border States and, drawing up a tabular statement, showed that the cost of the war for eighty-seven days would more than pay for all the slaves, at \$400 apiece, in Delaware, Maryland, the District of Columbia, Kentucky and Missouri. At this time he believed that colonization in South America and in Africa was practicable. On May 9th, Major-General Hunter, by proclamation, declared the slaves free in Georgia, Florida and South Carolina, but Lincoln, ten days later, countermanded Hunter's order, asserting also at the same time that he alone as commander-in-chief of the army and navy was competent to issue such a proclamation as Hunter's. Lincoln had objected to the confiscation act because it asserted that Congress could free slaves within a State: a doctrine which he had repudiated all his political life. But if the slave could in some way be transferred to the Nation, Congress could then emancipate him. The problem with Lincoln at this time was to get a national title to the slaves. He would strike a blow against slavery but would do it in what he conceived to be a constitutional manner.

The first year of the Civil War had passed. The firing on the *Star of the West*, and on Fort Sumter; the attack on the Northern regiments by the mob in Baltimore; the long delay in protecting the capital; the retirement of General Scott and the succession of General McClellan, and the wearisome waiting for McClellan to attack the Confederacy were the anxious events of the early part of the year. In the West the Confederacy had been forced southward: Forts Henry and Donelson taken; the regeneration of Missouri; the partial regeneration of Arkansas; Kentucky and Tennessee quite cleared of Confederate armies; Island

No. 10 at the North and New Orleans at the South taken; McClellan with an army of more than 100,000 well drilled troops approaching Richmond; Washington secure; and the great Army of the West, directed by Halleck, converging upon Corinth. The North was rejoicing; the South, desponding. And Congress had made all Federal soil free soil and had begun the process of emancipation, by the confiscation act, in the Confederate States themselves. And last of all, the national government offered to compensate slave owners who would free their slaves. The North was trying to convince itself that the war would soon be over and Secretary Stanton had issued a general order to stop recruiting. Lincoln had the confidence of the North as never before: a thousand acts of wisdom and kindness endeared him to the plain people; and out in the West, Lincoln had found a man, who also came from Illinois—who was a general and who would fight.

CHAPTER V

THE SECOND YEAR OF THE WAR

DURING the last week of April, 1862, McClellan was besieging Yorktown, the Army of the Potomac outnumbering that under General Johnston three to one. Nothing could have pleased the Confederacy more than McClellan's dilatory methods, his delusions, his querulous attitude toward Lincoln and the government and his whole conception of the management of the war. When, on May 3d, Johnston evacuated Yorktown, McClellan was wholly surprised; he had insisted on reinforcements and McDowell's corps had been sent him the week before. Johnston's army retreated toward Richmond; Hooker fought the Confederates at Williamsburg, but the battle was a Union defeat. McClellan came up late in the day and planned to renew the fight next morning, but that night the Confederates withdrew toward Richmond. The roads were in a dreadful condition, but it was McClellan who caused the Army of the Potomac to consume a fortnight in marching forty-five miles in ostensible pursuit of Johnston, and go into camp on the Chickahominy. Norfolk was abandoned by the Confederates, May 10th, leaving the James River open to the Union fleet, and the *Merrimac* to be destroyed at her moorings. News of the destruction of this iron-clad depressed the South and persuaded many at the North that the road to Richmond was now clear: the Union fleet coming up to within eight miles of the city. Military critics assert that the

water way to Richmond should have been used months earlier by McClellan: his excuse was ever, lack of troops and equipment; the superior strength of the Confederates, and official interference with his plans at Washington.

The approach of the Union fleet caused a panic in Richmond; Davis was suspected by many at the South of designing to abandon his capital; the Confederate archives were transported to a safer place, and many timid people left the city: there is no evidence that either the Confederate government or the State government thought seriously of abandoning Richmond. Alarm in the city quieted down as news came of the repulse of the Union gunboats by the batteries along the James River.

At this time the Union forces in the East were badly scattered. The administration suffered a perilous division of the national arms among political generals: Banks, in the Shenandoah valley and Frémont in western Virginia. General McDowell was at Fredericksburg. Many detachments of from two to four thousand men each were posted here and there; General Schenck, near Franklin; General Milroy at McDowell, some forty miles from Staunton. With General McDowell there were 30,000 men. Military critics have remarked on the strange policy of the government in not concentrating the national armies East, and taking the offensive. The Union forces engaged in the operations in Virginia outnumbered the Confederate in the ratio of three to two.

At this moment Stonewall Jackson took the initiative: he would attack and destroy these scattered detachments of the Union army. He consulted with General Lee, who at this time was military adviser to Davis. At McDowell, Jackson defeated Milroy and Schenck on the 10th and pushed on to fight Banks in the Shenandoah valley; victorious there, Washington might be raided. Lincoln and Stanton seem to have been in ignorance of the peril, and president and secretary visited General McDowell, in camp, to perfect the plan for a movement against Richmond. Meanwhile Jackson,

reinforced by Ewell, was marching northward, threatening the Baltimore and Ohio railroad. Lincoln, awake to the peril, ordered McDowell to send 20,000 men to the Shenandoah valley to meet Jackson, but on the 25th, Banks was fleeing up the valley, eager to reach the north bank of the Potomac. Washington was threatened and Lincoln telegraphed to the Northern governors to forward all the available militia. The North was thoroughly alarmed. Lincoln began concentrating the scattered Union forces, hoping to unite them against Jackson near Strasburg: but Frémont failed him. Jackson eluded pursuit and won victories. For thirty days he, with not more than 17,000 men, had discomfited nearly three times that number; had destroyed millions of property, taken many prisoners, and effectively aided McClellan in keeping away from Richmond. Military critics assert that the deflection of half of McDowell's army into the Shenandoah valley to pursue Jackson was a blunder; that McDowell should have been enabled to join McClellan's 100,000, and the advance then have been made against Johnston and Richmond: or, that, even alone, McDowell should have been permitted to carry out his plan and have marched against Richmond. Perhaps the political generals who were retreating before Jackson should not be overlooked as contributory to the failure of the campaign against Jackson. Moreover, McClellan and McDowell were not on friendly terms and co-operation between them was scarcely to be hoped for. Practically, at this time, the Confederate army was a unit: the National, divided and factional. The greatest need of the United States at this time was a great soldier in the field who, as commander-in-chief, should unify all efforts, naval and military. But nations, like individuals, have to pass through the refining process of hard experience before they are capable of understanding or doing.

On the last day of May, the battle of Seven Pines, or Fair Oaks, was fought. McClellan was defeated on the right wing and was saved from defeat on the left by General

Sumner. General J. E. Johnston, struck by the fragment of a shell, was supposed to have received a fatal wound. On Sunday morning, June 1st, the battle was renewed and the Confederates fell back; McClellan was within four miles of Richmond, but failed to push on. On Sunday night the Army of the Potomac was back in its old quarters before the battle.

On June 1st, Jefferson Davis gave to the Confederacy the chief source of its strength till the end: he made General Robert E. Lee commander-in-chief of the Confederate army. General Lee was not known to the South, at the time, as a great soldier; that distinction the South awarded to General Joseph E. Johnston; but amicable relations between Davis and Johnston were impossible. Whatever Davis's real sentiments toward Lee, he could work with him. Yet, despite the career of Lee, military critics are not wanting who deny that he surpassed Johnston as a soldier. One of the most bitter chapters of the history of the Confederacy tells the story of Davis and Johnston: the long, hopeless quarrel and mutual recrimination which continued between them till death.

At the time of General Lee's appointment McClellan was calling for reinforcements. The church spires of Richmond could be seen from the Union camps. But there was a new force in the field against him; General Lee knew McClellan better than McClellan knew himself: he divined his plans. After the battle of Fair Oaks the weather became fine; by June 13th McClellan had received 21,000 men; he planned to give Lee battle on the 17th or 18th: he would possess himself of "Old Tavern," push up to the city already in sight, bring his heavy guns into action and then carry Richmond by assault. Several of the Confederate generals expected McClellan to do this. General Lee formed his plans: to attack McClellan's communications, to trust to McClellan's procrastination, and to leave the Army of the Potomac to fight the swamp fever, for Northern men compelled to inaction and the perils of the climate of Virginia

in July, along the banks of the Chickahominy, were practically equivalent to reinforcements to the Confederacy. McClellan was already losing more men by the fever than he ever lost in battle. On Stonewall Jackson fell the task of cutting off McClellan's communications and supplies. Meanwhile General Lee, assuming that McClellan's credulity was quite limitless, caused information, suitable for his purposes, to be inserted in the Richmond papers—the chief source of McClellan's information about the Confederates—that strong reinforcements had been sent to attack Frémont and Shields, and the political generals at large, in the Shenandoah valley—confident that the news would quickly be interpreted by McClellan as evidence of the military resources of the South. General Lee understood his man. At this critical moment McClellan was engaged in writing a very long letter to the president, instructing him what should be done in political affairs, particularly regarding slavery, and the general conduct of the war, civil and military. It remains an astonishing example of impertinence and incapacity; it disclosed the ambitious politician.

On June 26th, Jackson crossed the river and attacked the Army of the Potomac and was repulsed by Fitz John Porter, who, later, was ordered by McClellan to withdraw to Gaines's Mill, where, on the following day a great battle was fought. Had McClellan adequately supported Porter the result must have been decisive, but true to his delusions, he believed Lee's army three times as numerous as his own; it was a case of pure timidity in McClellan. At seven in the evening, Lee and Jackson ordered a general assault and the Union troops retreated. McClellan in a despatch to the War Department blamed it for the defeat, saying that the government had not sustained the army; that if it did not at once, "the game is lost," and concluding—"If I save this army now, I tell you plainly that I owe no thanks to you or to any other persons in Washington. You have done your best to sacrifice this army." The president with infinite patience replied—"Save your army at all

events," and promised immediate reinforcements. McClellan began his retreat, with upwards of 100,000 men, abandoning his communications, his very incapacity deceiving General Lee, who delayed pursuit twenty-four hours. The principal delay of the Army of the Potomac was caused by the destruction of stores and supplies, in vast amount, which was ordered. Still retreating, the Union army took position, July 1st, on Malvern Hill, where Lee attacked and was repulsed, but McClellan fell back to Harrison's Landing. General Lee placed his army in defense near Richmond: the first Peninsular campaign was over and the Confederacy had won. Military critics at the South demanded, at the time, why Lee did not crush McClellan and why he suffered him to reach safety at Harrison's Landing. Expectation of winning independence possessed the Southern heart. At the North, disappointment was becoming gloomy discontent. A great army had been equipped, an army comprising the flower of Northern youth, and it had been led to die in the swamps of the Chickahominy and to retreat before General Lee. President Lincoln, on July 2d, called for three hundred thousand men for three years. The North was learning that the war was a more serious undertaking than at first supposed, yet the response to the president's call for troops was enthusiastic and immediate.

It was amidst the gloom caused by the retreat of the army to Harrison's Landing that Lincoln proposed compensated emancipation; the long line of reverses convinced him that the resources of the Confederacy must be crippled, and slave labor was the support of the South. On July 22d, Lincoln read to his Cabinet an emancipation proclamation. Promising that the object of the war was the restoration of the Union, he declared that on January 1st, 1863, all slaves in States in which the authority of the United States was not recognized should be thenceforward and forever free. The act of emancipation was submitted as "a fit and necessary military measure" for effecting the restoration of the Union. Seward suggested that the proclamation

be delayed until after a victory. While thus held back awaiting a victory, the proclamation was kept secret. At this critical moment, Horace Greeley printed in the New York Tribune, "*The Prayer of Twenty Millions*," a long and bitter attack on the president's policy, culminating in a demand that he execute the laws—meaning thereby the late confiscation acts which were destructive of slavery. Greeley accused Lincoln of many delinquencies: "We complain that the Union cause has suffered and is now suffering immensely from your mistaken deference to rebel slavery."

Lincoln replied in a public letter to Greeley, August 22d.

"As to the policy I 'seem to be pursuing,' as you say, I have not meant to leave any one in doubt. I would save the Union. I would save it the shortest way under the Constitution. The sooner the national authority can be restored, the nearer the Union will be 'the Union as it was.' If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object in this struggle is to save the Union, and is not either to save or to destroy slavery. If I could save the Union without freeing any slave, I would do it; and if I could save it by freeing all the slaves, I would do it; and if I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery and the colored race, I do because I believe it helps save the Union; and what I forbear, I forbear because I do not believe it would help save the Union. I shall do less whenever I believe what I am doing hurts the cause, and shall do more whenever I shall believe doing more will help the cause. I shall try to correct errors, and I shall adopt new views so fast as they shall appear to be true views. I have here stated my purpose according to my view of official duty; and I intend no modification of my oft-expressed personal wish that all men everywhere could be free."

In England public opinion was fluctuating. Lord Palmerston successfully concealed any sympathies he might have for the North and successfully avoided the duty of using the authority of his government in preventing the building and equipment of Confederate cruisers in British yards. The *Florida*, built at Liverpool, sailed in March and entered upon a career of privateering. The *London Times* was openly outspoken for the Confederacy and bitterly, often indecently, censorious of Lincoln and the North. English sympathy with the South increased as McClellan retreated northward, but the mass of the English people sympathized with the North. A second Confederate war ship, the *Alabama*, was fitted out at Liverpool, with the full knowledge of the British government. Charles Francis Adams kept Earl Russell informed but the government gave no demonstration of effort to interfere. When at last after much circumlocution the law officers of the Crown were ready to act, the *Alabama* had gotten out to sea. The evidence is conclusive that the government regretted this at the time, but the imperious delay in taking any action adverse to the building or launching of the ship has colored the traditions in America on the conduct of the British government. There is no doubt that a strong faction in the government desired the success of the Confederacy. The *Alabama* left port July 29th and in due time reached the Azores where she was supplied with guns and ammunition, brought by two British vessels, about the middle of August.

McClellan, now of opinion that the Army of the Potomac was in a place of safety, asked for fifty thousand more troops, saying that then he would retrieve his fortunes.

It is about this time that Lincoln seems to have changed his opinion about McClellan. He sent him some twenty thousand men but not with hope, apparently, that he was helping the cause by so doing. McClellan told Lincoln, while the president was on a brief visit to his headquarters, that he did not believe the army could be safely removed. Amidst the difficulties of the situation Lincoln sent for

Halleck and on July 11th assigned him to the command of all the Union armies, with headquarters at Washington. On August 3d Halleck telegraphed him of the decision to remove the army from the Peninsula to Aquia Creek. McClellan begged that the order should be rescinded, asserting—and as military critics agree, on sound principles—that the “true defense of Washington was here on the banks of the James” and that here “the fate of the Union should be decided.” But McClellan had done nothing to give great weight to his opinion on the point and Halleck, refusing to rescind the order, added “you will be expected to execute it with all possible promptness.”

Meanwhile General John A. Pope, called from the West and assigned to command of an army of 43,000, comprising the corps of McDowell, Banks and Sigel, the latter Frémont's successor, was planning a campaign that should wind up with the capture of Richmond and the collapse of the Confederacy. Pope's popularity at the North was great. McClellan looked upon him as a rival. General Lee viewed the factions among Northern counsellors with complacency. Halleck was indecisive; McClellan expressed his willingness to support Pope; Pope could get no definite instructions from Halleck, who was attempting the impossible task of directing, from a telegraph office in Washington, vast and complicated military movements in front of Richmond.

General Lee, the controlling military mind of the Confederacy, was unhampered; he planned to cut off Pope's communications. Stonewall Jackson felt the advance and swiftly severed Pope's line of communication. A series of battles began culminating, August 30th, in the Second Battle of Bull Run. As the night drew on, after the weary day's battle, Pope ordered a general retreat with Lee and Longstreet in pursuit. Pope was terribly beaten.

McClellan had done nothing to help Pope. Lincoln said: “McClellan has acted badly toward Pope; he really wanted him to fail.” On August 30th, McClellan was deprived of command of the Army of the Potomac. The Confederates

were now between the Union army and Washington. When the truth of Pope's utter defeat was known at Washington, the peril in which the capital lay was fully exposed. There seemed to Lincoln but one remedy: to replace McClellan. Lee was reported advancing upon Washington. The president assigned McClellan to command of the forces in the field. Pope was retired to fight Indians on the northwest frontier. The public demanded a victim for the disaster at the Second Battle of Bull Run and found him in Fitz John Porter who, in November following, was tried before a general court-martial and sentenced "to be cashiered and to be forever disqualified from holding any office of trust or profit under the Government of the United States." Lincoln approved the finding of the court. Porter appealed. In 1878, under President Hayes, a board of army officers, of which General Schofield was the head, exonerated Porter, but Congress took no action. President Arthur remitted the unexecuted portion of the original sentence, by proclamation, May 4, 1882. General Grant at last, having reversed his own opinions in the case, wrote a public article in Porter's behalf: this was written shortly before Grant's death; while president he had decided against Porter. Finally, Congress, in 1886, nearly twenty-four years after the original condemnation, passed a bill for Porter's relief which President Cleveland signed. Porter was restored to the rank of colonel of infantry in the regular army, from May 14, 1861. That Porter's troubles were due chiefly to differences and ill-feelings among the generals is doubtless true; at the court-martial, General Pope testified against Porter, blaming him for refusing to reinforce him during the battle—neglect which occasioned the trial; but writing to Halleck, Pope said—"The greatest criminal is McClellan." If this is true, McClellan unwittingly caused the downfall of one of his dearest friends and favorite officers.

With McClellan and Pope both beaten, General Lee now turned northward into Maryland, issuing a spirited proclamation to its people that he came to deliver them from their

oppressors and evidently expecting to find aid and comfort among them. He was doomed to disappointment. The Maryland farmers would not accept Confederate money in payment for supplies and General Lee did not care to imperil the Confederate cause by acts of coercion in a slaveholding and sister State. At last he was obliged to open communications with his source of supplies, the Confederate States, thereby weakening his military strength, for he was getting far away from his base. But his army was jubilant with hope, exulting in its late victories and eager to fight. Moreover the soldiers were beginning to understand "Massa Robert" as they affectionately called their great commander. They were learning to idolize General Lee as the Army of the Potomac had long idolized General McClellan. Lee's decision to march into Maryland alarmed the North. In the West, affairs had been going badly for some time, for the national cause, and in the East, there had been a succession of withering blunders and defeats. The star of the Confederacy seemed in the ascendant. Many at the South expected that General Lee would dictate peace at Washington before he saw Richmond again. He sent Jackson back into Virginia to reduce Harper's Ferry, which was garrisoned by some 12,000 Union troops and contained immense quantities of military stores. Pennsylvania, too, was in peril and its governor, Andrew G. Curtin, called for 50,000 men to come forward and fight back the invaders. But the Army of the Potomac was the hope of the government. McClellan, on September 10th, began the advance to meet Lee, as usual asking for reinforcements; he estimated Lee's army at 120,000, more than twice its effective force; Jackson was on the way to Harper's Ferry. Fortune was determined to favor McClellan and at this critical moment put into his hands an official copy of Lee's order to D. H. Hill, unfolding all his plans. This was on the 13th. McClellan knew the value of this discovery and immediately announced expected victory. At South Mountain, on the 14th, he defeated the Confederates. McClellan advised that

the force at Harper's Ferry be concentrated with his own, having first counselled that the garrison itself be strengthened so as to be able to hold Jackson in check, while McClellan fought Lee. But the lack of understanding and sympathy between Halleck and McClellan accomplished its perfect work, which was the surrender of Harper's Ferry to Jackson.

On the 15th, McClellan took position on the field of Antietam and there two days later was fought the bloodiest battle of the war, thus far. McClellan had 87,000 men; Lee, 55,000—every one in battle. Twenty-seven thousand McClellan held in reserve—or half the number of the Confederate army. The Union loss was 12,410; the Confederate, 11,172.

General Lee states in his report that he fought the battle with less than 40,000. Military critics disagree much about this battle—whether it was a Union or a Confederate victory. The battle was fought on the Union side, in detachments and piecemeal, and all the testimony points to McClellan's lack of a plan, of concentrated effort and of efficient execution. "Of General Lee's management of the battle there is nothing but praise to be said," is Ropes's opinion, and doubtless this will be the world's final judgment.

Despite this military precision and efficiency on Lee's part, he retreated into Virginia, McClellan making slight effort to pursue him. The political effect of the battle was favorable to the North, for the great soldier of the South had recrossed the Potomac and his invasion of Maryland had failed of its object. It must be remembered that General Lee was far from his base of supplies and "in the enemy's country"; that the Confederacy was weak in transportation and that the peril of being cut off from his supplies was great. McClellan should not be blamed for the incapacity of Halleck: if Harper's Ferry could have held out against Jackson, or had its force been strengthened, as it might have been, by General Franklin, or even from McClellan's army, and Jackson prevented from joining

Lee at Antietam, Lee might have fared worse; but it is like talking of the Austrians surrounding and capturing Napoleon's army in Italy: one ought not to expect too much of the Austrians.

Antietam, though not a victory like Fort Donelson, was far from being a defeat, and the North hailed it as a victory—because General Lee turned back into Virginia. Lincoln had been feeling public opinion as to slavery ever since his visit to McClellan's camp at Harrison's Landing on July 8th and two weeks later he had read to his Cabinet his preliminary draft of an emancipation proclamation, which Seward had suggested had better not be issued until after a victory. Antietam was the victory and on September 22d, after prefacing the great work in hand by reading aloud to his Cabinet a chapter from Artemus Ward, he told them of his purpose and read his proclamation by which on January 1, 1863, all slaves in States or parts of States in rebellion against the United States should be "then, thence-forward, and forever free." This epoch-making notice to all the world was issued on the 23d. "It is now for the country and the world to pass judgment, and, maybe, take action upon it," said Lincoln in a little speech, the next evening, to a company of citizens who had gathered at the White House to serenade him. But the conservative North was not enthusiastic over the proclamation; indeed there was slight evidence that the real sentiment of the North was expressed in the proclamation. The radical Republicans rejoiced, but because Lincoln had done anything that would make the radical Republicans rejoice was sufficient cause for Democrats to condemn the proclamation and conservative Republicans to keep silence. A week passed and still the North seemed indifferent.

Nicolay and Hay have related with great detail the reception of the proclamation by the different members of the Cabinet. It ranks with the Declaration of Independence as an American state paper and every detail of its history is interesting. It marked a departure from the old national

moorings, it overturned the platform on which Lincoln and the Republican party had come into power; it struck a deadly blow to the doctrine of State sovereignty; it consolidated, as no other executive decree had presumed to consolidate, the authority of the United States. "A careful reading and analysis of the document," write Nicolay and Hay, "shows it to have contained four leading propositions: (1) A renewal of the plan of compensated abolition. (2) A continuance of the effort at voluntary colonization. (3) The announcement of peremptory emancipation of all slaves in States in rebellion at the expiration of the warning notice. (4) A promise to recommend ultimate compensation to loyal owners."

But opposition to the war at the North, Democratic hostility to the whole policy of the president, the long line of blunders and defeats under McClellan—all charged by that general's friends—and they were numerous—to Lincoln, and the tyranny of that state of mind concerning slavery which had possessed the Nation for generations, all co-operated at the fall elections. New York elected a Democratic governor, Seymour, and set in power a political machine which later greatly embarrassed the president. All over the North the Democrats made gains so that instead of forty-four they now had seventy-five representatives in Congress, which though a minority, was yet, together with the pro-slavery representatives from the border States, a strong minority in the House. This minority voiced its opinion in a resolution offered by Yeaman, of Kentucky, December 11th, declaring the Emancipation Proclamation unwarranted by the Constitution and a useless and dangerous war measure. The body of resolutions was laid on the table promptly by a vote of ninety-four members. "The Republicans were unwilling to remain in this attitude of giving emancipation a merely negative support. A few days later (December 15th), Representative S. C. Fessenden, of Maine, put the identical phraseology in an affirmative form, and by a test vote of seventy-eight to fifty-one, the House resolved:

"That the proclamation of the President of the United States, of the date of 22d September, 1862, is warranted by the Constitution, and that the policy of emancipation, as indicated in that proclamation, is well adapted to hasten the restoration of peace, was well chosen as a war measure, and is an exercise of power with proper regard for the rights of the States and the perpetuity of free government.'"

This expression of confidence by the representatives of the loyal North sustained the president but there is no doubt that he yearned for a clear, open and universal expression of approval by the mass of people themselves, but the proclamation was a reversal of the entire practice of the government since its inception; it put the Nation on a new footing in the world, and a change so radical, so far-reaching, required time for its understanding among the plain people. Moreover, the proclamation at once precipitated new difficulties—the future of the emancipated slaves. What was to be done with them? Was the phrase in the Declaration of Independence—"all men are created equal," to be given a practical definition? The political aspects and consequences of the proclamation were beginning to loom up in the public mind. The North professed to condemn slavery but it shrank from loving the negro; and, in truth, the North knew very little about the negro. What approval of the proclamation found expression during the first few weeks after it was issued was due to confidence in Abraham Lincoln rather than to admiration for the proclamation. The Northern households whose fathers and sons were at the front were eager to be satisfied with any measure of the government which would put down the rebellion; if the proclamation should conduce to that end, it must be good; if not, it must be cast into the rubbish heap of failures—and during the year 1862 that heap had been growing to threatening dimensions. So the emancipation must acquire a meaning and significance by victories in the field. Lincoln had held it back till a victory; the North suspended its judgment till the course of war should determine its fate.

In the West, military affairs had proceeded much as in the East. General Grant had succeeded Halleck in command; Buell was at the head of the Army of the Ohio, with Chattanooga as the objective. General Morgan's cavalry raid through Kentucky had caused consternation among Union men in the State and across the border, in Ohio; Halleck and the administration complained of Buell's slowness and delays and Halleck kept up a continuous correspondence urging him to advance. General Bragg planned an invasion of Kentucky, similar to Lee's invasion of Maryland. General Kirby Smith, a party to the plan, leaving Knoxville, swept into Kentucky and threatened Louisville, Cincinnati and the large towns along the Ohio. These operations during late August and early September created consternation in the imperilled region. Lincoln was appealed to by the authorities of Louisville and Cincinnati for aid and Governor Tod, of Ohio, summoned to military service the men in the lower portion of the State. General Smith, believing his force inadequate, refrained from attacking these cities. General Bragg, leaving Chattanooga, August 28th, pushed on rapidly through the Cumberland Mountains and on September 13th reached Glasgow, Kentucky, followed by Buell, both armies straining to reach Louisville. Bragg delayed to capture Munfordville, Buell caught up with him; Bragg declined a battle and turned toward Bardstown, while Buell hastened on to Louisville, which he reached on the 25th. Meanwhile, Bragg was learning that Kentucky was not Confederate at heart—all his efforts to win reinforcements and to provoke a rising against the Union failing. Yet the State was almost equally divided in sentiment, and both Bragg and Smith were present at Frankfort at the inauguration of the Confederate provisional governor—the State having been admitted into the Confederacy and being represented in the Confederate Congress. The Union army met the Confederate at Perryville, October 8th, but Buell had not expected a battle there. Bragg fell back on the 9th but was not effectively pursued. The Confederate invasion of Kentucky

had failed. On October 3d, General W. S. Rosecrans repulsed a Confederate attack on Corinth. These successes, of rather a negative character, in the West did not satisfy public expectation, and Lincoln indited, through Halleck, a vigorous communication to Buell, directing him to greater activity; to possess control of Eastern Tennessee, plainly telling him that he should be able to live in a country in which the Confederates could live, to march where they marched and to fight as well as they fought. Halleck, and apparently Lincoln also, had the idea that the army could largely subsist on the country in which it was operating—a system, which, if carried out, would have antagonized Union sentiment both in Kentucky and Tennessee, as it must have sunk into mere pillage and destruction. Buell was unpopular, though able, and his enemies were on his track. They included not only his military rivals but the governors of Ohio, Indiana and Illinois, who united in the demand for his removal. Lincoln, dependent upon popular support, yielded and ordered his removal, October 24th. Military judges have not approved the president's action. Rosecrans was appointed in his place.

The anxiety for results now again concentrated the attention of the North upon McClellan. Lincoln spent the first three days of October with McClellan, resulting in Halleck's order that he cross the Potomac and give the Confederates battle. The roads were good. The Army of the Potomac had been resting. McClellan complained of the supplies, especially of the shoes; at this time many of Lee's soldiers were barefooted. On the 13th Lincoln sent McClellan a long letter in which he displayed the soldier; he showed that McClellan was in a better position than before to strike the Confederates; better equipped man for man; better transportation, and the weather as favorable for him as for General Lee. If Lee should advance into Pennsylvania, McClellan could attack and sever his communications. "Exclusive of the water line," McClellan was nearer Richmond than was Lee by the route that McClellan could take

and Lee must take. The fine weather was passing; it was time to act. McClellan again pleaded lack of preparation: sore-tongued horses and fatigued horses, to which Lincoln replied with a sharp inquiry what the horses had done to fatigue them since Antietam. McClellan began crossing the Potomac, October 26th, and Lee put his army in a safe position between Richmond and McClellan's army. Lincoln promptly removed McClellan from command and appointed Burnside. The appointment was none of Burnside's seeking, but coming to him as an order, he could not refuse. He plainly told his friends that he did not believe himself capable to command so large an army. Politics had much to do with the advancement of particular generals and Lincoln could not escape the entangling folds of politics. Everybody was giving him advice and many of the advisers were putting the whole blame for failure upon him. Among these critics was Carl Schurz, patriotic, aggressive, impatient over wearisome delays. In reply to his letter, Lincoln wrote:

"The purport of (your letter of November 20th) is that we lost the late elections and the administration is failing because the war is unsuccessful, and that I must not flatter myself that I am not justly to blame for it. I certainly know that if the war fails, the administration fails, and that I will be blamed for it, whether I deserve it or not. You think I could do better; therefore you blame me already. I think I could not do better; therefore I blame you for blaming me. I understand you now to be willing to accept the help of men who are not Republicans, provided they have 'heart in it.' Agreed. I want no others. But who is to be the judge of hearts, or of 'heart in it'? If I must discard my own judgment and take yours, I must also take that of others; and by the time I should reject all I should be advised to reject, I should have none left, Republicans or others—not even yourself. For, be assured, my dear sir, there are men who have 'heart in it' that think you are performing your part as poorly as you think I am performing mine. I certainly have been dissatisfied with the slowness

of Buell and McClellan; but before I relieved them I had great fears I should not find successors to them who would do better; and I am sorry to add that I have seen little since to relieve those fears. I do not clearly see the prospect of any more rapid movements. I fear that we shall at last find out that the difficulty is in our case rather than in particular generals. I wish to disparage no one—certainly not those who sympathize with me; but I must say I need success more than I need sympathy." This was written November 24th.

The passing of McClellan was inevitable, regrettable as it might be. Posterity, like his contemporaries, divides in opinion about him. That he organized the Army of the Potomac and was the idol of his soldiers seem to be facts which neither his admirers nor his critics differ about. Grant's comment on McClellan doubtless approaches as nearly as it is possible to approach a just estimate of him: "I have," he said after retiring from the presidency, "I have entire confidence in McClellan's loyalty and patriotism. But the test that was applied to him would be terrible to any man, being made a major-general at the beginning of the war. It has always seemed to me that the critics of McClellan do not consider his vast and cruel responsibility—the war, a new thing to all of us, the army new, everything to do from the outset, with a restless people and Congress. McClellan was a young man when this devolved upon him, and if he did not succeed, it was because the conditions of success were so trying. If McClellan had gone into the war as Sherman, Thomas, or Meade, had fought his way along and up, I have no reason to suppose that he would not have won as high distinction as any of us."

General Burnside would reach Richmond by way of Fredericksburg; Lincoln's plan was "to Richmond by the inside track", but he yielded. There followed the battle of Fredericksburg, December 13th. Burnside proved himself wholly unequal to the command thrust upon him. The Confederates were attacked at their strongest point, Marye's

Heights: rifle-pits, earth-works, cannon, sharpshooters, and impregnable position, but Burnside insisted on its capture. As column after column, charging against it fell beneath the withering fire till the ground was covered with dead, even General Hooker begged Burnside to give up further attack. The Union loss was 12,653; the Confederate, 5,377; but the Union army lost even more—all confidence in Burnside; the defeat was the worst yet suffered by the national arms. On the 15th, Burnside got the army to the north side of the Rappahannock, amidst a terrible storm.

The disaster set the North to wondering whether the contest was likely to succeed in the end. Were the Confederates bound to win? Had they abler soldiers? Was Lincoln's administration an administration of incapables? Burnside was an excitable, stubborn man, able, under limitations, but pushed by fate into responsibilities whose performance exacted far more than was in him. His officers had slight consideration for him; he was not to them as was McClellan. Unable to get on with his general officers, he demanded that they be removed, and placed his own resignation in the president's hands, if his request could not be granted. Lincoln accepted the resignation and called General Hooker to succeed him.

While disaster was befalling the army, Lincoln was facing a crisis in his Cabinet. He had selected his rivals for the presidency as members of his Cabinet—Seward, Chase, and Cameron, who early was asked to resign and Stanton was appointed to his place. The radical element of the Republican party favored Chase, criticised Seward and looked with mild indulgence on Lincoln: Seward was too conservative for them. The political tension could be borne no longer. On December 19th, Lincoln, to the surprise of all parties brought the radical senators—Sumner, Grimes, Trumbull, Fessenden, and others, and his Cabinet, together in conference. Seward was absent. The senators spoke strongly; the conference was stormy and protracted. Both Chase and Seward handed in their resignations. Lincoln declined

to receive them, replying that the public interest did not admit of it, and requesting them to resume their respective duties. Had he been a lesser man and parted with these strong men, he would have lost with them the support of controlling sentiment at the North. The plain people knew nothing of the factional politics of Washington: they saw in Seward the famous senator, the able ex-governor of New York, the candidate of a strong portion of the Republican party for the office which Lincoln now held, and the able minister who had met Great Britain fearlessly and fairly on diplomatic ground. In Chase they saw a great minister of finance who had rescued the country from bankruptcy and devised a system which kept armies in the field. Lincoln was too sagacious to spare such counsellors; but had public opinion been as strong against them as he knew it was for them, it may be questioned whether he would have requested them to resume their duties. The effect of this Cabinet crisis was a clearing of the political air, a better understanding all round, in the chief counsels of the Republican party—and, above all, it left Lincoln stronger in his own Cabinet, stronger in the opinion of the two men whom he retained. That Seward understood and appreciated Lincoln as Chase did not and could not is undoubted. Chase wanted to be president and into the maelstrom of his ambition every other desire of the man was swept; it made him intolerant of Lincoln, hypercritical, often condemnatory; it brought him into questionable political associations with critics of the government—all of which Lincoln repaid by continuing to treat Chase as if he were the ideal of loyalty to his chief, and was as able as his partisans, or he himself, believed. With Seward the high office he was administering afforded opportunities sufficient to his mind. Whatever political ambition may have possessed him, he subordinated it to the duties in hand. And whatever he may have thought at times of Lincoln—and there was much about the man to make Seward pause in judgment—he was loyal and sympathetic. It would seem from what can be

gathered about Lincoln's personal relations with his ministers, that he stood as closely to Seward as to any of them—as closely, doubtless, as it was possible for him to stand to any member of his Cabinet. He had his trial with Seward during the days of Fort Sumter, when Seward plainly intimated that it was time for some one to be president, and Lincoln, fully agreeing, assured him who was president. The reputation of public men, with posterity, is not always a reflection of what they really were, but in the case of Seward, the North, at least, long since settled down to acceptance of the tradition that he ranks among the great ministers who have served as secretary of state, with John Quincy Adams, with Daniel Webster, with James G. Blaine and with John Hay, and there are few who would not rather compare either of them with him than him with either of them.

The preliminary Emancipation Proclamation of September 22d had given notice to the South and to all the world of the purpose of the government to emancipate the slaves in the rebellious States, on the first day of the new year, unless these States returned to their allegiance. A hundred days had passed; disaster had pursued the national arms, the South showed no signs of returning to the Union, but rather alarming evidence of pushing the war to a conclusion favorable to itself. But the president had promised, and now, on January 1, 1863, he issued the final proclamation which he "sincerely believed an act of justice, warranted by the Constitution upon military necessity," and upon which he invoked "the considerate judgment of mankind and the gracious favor of Almighty God." As proper warning, he enjoined "upon the people so declared to be free to abstain from all violence, unless in necessary self-defense; and I recommend to them, that in all cases, when allowed, they labor faithfully for reasonable wages." The freedmen were to be received into the armed service of the United States in whatsoever positions they could be found effective. The final form of the proclamation was a subject of exhaustive

discussion with the Cabinet, and it was Secretary Chase who suggested the words with which the proclamation closed—that it was “believed to be an act of justice, warranted by the Constitution” and that “the considerate judgment of mankind and the gracious favor of Almighty God” were invoked upon it.

This state paper which must be forever associated with the name and fame of Lincoln did not abolish slavery in the United States. It freed nearly four millions of slaves as a military act, as an act seizing property belonging to Confederate slaveowners. The act was of possible operation because the slave was property in law: had the South treated the slave as a man and not as a thing, there could not have been slavery at the South. It will be remembered that throughout the long controversy over slavery before the war, the South insisted on its rights of property in the slave. Lincoln proceeded strictly along the line of Southern argument and action in issuing the proclamation. If four million barrels of flour, or of gunpowder, or four million bales of cotton had been declared confiscated by proclamation of the national government, no loyal American would have thought of objecting. Lincoln had urged the South to accept a policy of compensated emancipation—but even the border States refused it; he now confiscated slave property as an act of military necessity. It was warranted under the Constitution, not by any clause or passage or implication of the Constitution, unless the right of the United States to exercise military authority to protect and defend itself is warranted by the Constitution. The United States had reached a time when the Constitution as written must accord with the unwritten Constitution and the Emancipation Proclamation embodied the necessities of that unwritten supreme law of the land.

The proclamation was a sign that the state of mind which had so long prevailed in America was breaking up; the Nation was revising its political creed, changing its civil concepts, purifying its morals, adjusting itself to the first

principles of republican government. This was the large meaning of the act of emancipation.

Lincoln had no desire to rob the South: his efforts during January and later to effect the passage of a compensatory act, sufficiently indicate his attitude toward right and justice, as he understood them, and his desire to eliminate the great national evil with respect for the sentiments, traditions, and legal claims of the slaveholders, but the very State which at last, and too late, asked for compensation for its slaves, helped to defeat the measure which Lincoln had at heart.

Following the disaster at Fredericksburg came the defeat of the Union army at Stone River, in Tennessee. General Bragg, on January 2d, 1863, attacked Rosecrans again but retreated from Murfreesborough. It was not a defeat, it was not a notable victory, but the North rejoiced. At Perryville and Stone River, General Thomas and Sheridan fought; at least there was activity in the Southwest, and that was a favorable sign. True, the news from Vicksburg was discouraging, the Union attack having failed. But the more hopeful North was living on expectation of a victory: whence its gleam of joy at any favorable news.

But disasters never come singly and other than military disasters were now threatening. The Peace party at the North—which was, of course, hostile to the administration, had a great leader in Governor Seymour, of New York, in the East, and in Clement L. Vallandigham, of Ohio, in the West. To this party the active supporters of the administration gave the name “Copperheads.” Vallandigham, who was a member of Congress, went the full length of his creed: he publicly expressed himself, rising in his place in the House, on every occasion, to condemn the government, to discourage enlistments, to vituperate the president and his official advisers, and even to urge the acceptance of foreign mediation to stop the war. This was treasonable talk but quite within the province of a member of Congress, under a constitutional government.

Lincoln did not hesitate to allow the arrest of suspected persons and many were arrested and confined in Fort Lafayette. On March 3d, the conscription act passed which wholly changed the means for raising troops — hitherto through the loyal States but henceforth directly through provost-marshals distributed over the several Congressional districts of the loyal States, and all under the War Department. From this time the draft went on till the close of the war; but under the first conscription act, the drafted man might pay three hundred dollars to the government or furnish a substitute. There were cases where women took advantage of the act and hired men to enlist.

The daily expenses of the government were now \$2,500,000, and the total income from all forms of taxation, the tariff act, excises, and the like, \$600,000 a day. The government must therefore borrow nearly two millions of dollars a day in order to meet its obligations. Congress empowered the secretary of the treasury to issue \$900,000,000 in the several forms of paper money authorized by various earlier acts—treasury notes, bonds, interest-bearing and non-interest-bearing legal-tender notes and fractional currency. Coin had disappeared from circulation, excepting the copper cent and two-cent pieces. A National Bank act became law February 25th, but no National Bank currency was issued until early in January, 1864, between which time and the 22d April, 1865, National Bank currency to the amount of \$146,927,975 was in circulation; the aggregate amount of paper money—treasury notes, compound interest notes and certificates of indebtedness—in circulation at the time of the first issue of National Bank currency, that is, down to January, 1864, was \$700,000,000.

The response of the North to the financial legislation of Congress was exhibited in the approval it gave by continuing to furnish supplies, accepting the money of the government, though it all circulated below par; and the response to the conscription act was effective, if less enthusiastic, than the enlistments during the first year of the war. The North

was settling down to a state of war; it was developing all the passions which war arouses, and the world knows how base, how exalted, how noble, how mean these may be. And as the North grew into this state of mind it became more zealous in supporting Lincoln, now everywhere spoken of, among the plain people, as "Honest Old Abe," "Father Abraham," and "Uncle Abe." Forbearance with treasonable utterance and "Copperhead" speeches was becoming stretched to the limit; "Help the Union or be silent; be with us or go over to your friends, the rebels" were not infrequently heard. Devotion to the national cause took the new form of "Union Leagues", "Loyal Leagues", "National Leagues", some of which survive as organizations to this day.

Sometimes bitter and untimely speech enrages a people when public disaster only stimulates them to greater action. Chief speaker among the opponents of the administration, and most unbridled in his condemnation of its acts Vallandigham continued to be. When Burnside was retired from the command of the Army of the Potomac he was assigned to the command of the Army of the Ohio; his headquarters were at Cincinnati. Rumors had been abroad in Ohio, Indiana and Illinois of the existence of a secret and powerful organization within these States which contemplated turning all possible means of assistance over to the Confederacy—and, it was said, including the States of Indiana and Illinois. General Burnside issued "General Order No. 38", announcing that "treason, expressed or implied", would not be tolerated in his department. At Mount Vernon, Ohio, May 1st, Vallandigham addressed a Democratic mass-meeting. His speech was violent and strongly defensive of the most radical sentiments commonly expressed by "Copperheads"; several of Burnside's soldiers, in citizens' clothes, were designedly present, took notes of the speech and reported it to their chief. Burnside promptly caused Vallandigham's arrest at Dayton, tried him by military commission—the jurisdiction of which Vallandigham denied—found him guilty of declaring disloyal sentiments tending to weaken

the government in its efforts to suppress the rebellion and sentenced him to close confinement during the continuance of the war, at Fort Warren. The judge of the United States Circuit Court refused Vallandigham's application for a writ of *habeas corpus*. Lincoln commuted the sentence to that of banishment and ordered him sent beyond the Union lines into the Confederacy. Thus Lincoln assumed responsibility of the arrest and expressed his regret at the necessity of the whole affair, but also wrote:

"Prior to my installation here it had been inculcated that any State had a lawful right to secede from the national Union, and that it would be expedient to exercise the right whenever the devotees of the doctrine should fail to elect a president of their own liking. I was elected contrary to their liking, and accordingly, so far as it was legally possible, they had taken seven States out of the Union, had seized many of the United States forts, and had fired upon the United States flag, all before I was inaugurated, and of course, before I had done any official act whatever. The rebellion thus begun soon ran into the present Civil War; and, in certain respects, it began on very unequal terms between the parties. The insurgents had been preparing for it for more than thirty years, while the government had taken no steps to resist them. The former had carefully considered all the means which could be turned to their account. It undoubtedly was a well-pondered reliance with them that in their own unrestricted effort to destroy Union, Constitution and law, all together, the government would, in great degree, be restrained by the same Constitution and law from arresting their progress. Their sympathizers pervaded all departments of the government and nearly all communities of the people. From this material, under cover of 'liberty of speech,' 'liberty of the press,' and 'habeas corpus', they hoped to keep on foot amongst us a most efficient corps of spies, informers, suppliers, and aiders and abettors of their cause in a thousand ways. They knew that in times such as they were inaugurating, by the Constitution itself,

the 'habeas corpus' might be suspended; but they also knew they had friends who would make a question as to who was to suspend it; meanwhile their spies and others might remain at large to help on their cause. Or if, as has happened, the executive should suspend the writ without ruinous waste of time, instances of arresting innocent persons might occur, as are always likely to occur in such cases; and then a clamor could be raised in regard to this, which might be at least of some service to the insurgent cause. It needed no very keen perception to discover this part of the enemy's programme, so soon as by open hostility their machinery was fairly put in motion. Yet, thoroughly imbued with a reverence for the guaranteed rights of individuals, I was slow to adopt the strong measures which by degrees I have been forced to regard as being within the exceptions of the Constitution, and as indispensable to the public safety. Nothing is better known to history than that courts of justice are utterly incompetent in such cases. Civil courts are organized chiefly for trials of individuals, or, at most, a few individuals acting in concert—and this in quiet times, and on charges of crime well defined in the law. Even in times of peace bands of horse-thieves and robbers frequently grow too numerous and powerful for the ordinary courts of justice. But what comparison, in numbers, have such bands ever borne to the insurgent sympathizers even in many of the loyal States? Again, a jury too frequently has at least one member more ready to hang the panel than to hang the traitor. And yet again, he who dissuades one man from volunteering, or induces one soldier to desert, weakens the Union cause as much as he who kills a Union soldier in battle. Yet this dissuasion or inducement may be so conducted as to be no defined crime of which any civil court would take cognizance. Ours is a case of rebellion—so called by the resolutions before me (Resolutions of a public meeting held at Albany, New York, June 16th, 1863), in fact, a clear, flagrant, and gigantic case of rebellion; and the provision of the Constitution that 'the privilege of the writ of habeas

corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it,' is the provision which specially applies to our present case. This provision plainly attests the understanding of those who made the Constitution, that ordinary courts of justice are inadequate to 'cases of rebellion'—attests their purpose that, in such cases, men may be held in custody whom the courts, acting on ordinary rules, would discharge. Habeas corpus does not discharge men who are proved to be guilty of defined crime; and its suspension is allowed by the Constitution on purpose that men may be arrested and held who cannot be proved guilty of defined crime, 'when, in cases of rebellion or invasion, the public safety may require it.'

"This is precisely our present case—a case of rebellion wherein the public safety does require the suspension. Indeed, arrests by process of court and arrests in cases of rebellion do not proceed altogether upon the same basis. The former is directed at the small percentage of ordinary and continuous perpetration of crime, while the latter is directed at sudden and extensive uprisings against the government, which, at most, will succeed or fail in no great length of time. In the latter case arrests are made not so much for what has been done, as for probably what would be done. The latter is more for the preventive and less for the vindictive than the former. In such cases, the purposes of men are much more easily understood than in cases of ordinary crime. The man who stands by and says nothing when the peril of his government is discussed, cannot be misunderstood. If not hindered, he is sure to help the enemy; much more if he talks ambiguously—talks for his country with "buts" and "ifs" and "ands." Of how little value the constitutional provision I have quoted will be rendered if arrests shall never be made until defined crimes shall have been committed, may be illustrated by a few notable examples: General John C. Breckenridge, General Robert E. Lee, General Joseph E. Johnston, General John B. Magruder, General William B. Preston, General Simon B. Buckner, and

Commodore Buchanan, now occupying the very highest places in the rebel war service, were all within the power of the government since the Rebellion began, and were nearly all as well known to be traitors then as now. Unquestionably, if we had seized and held them, the insurgent cause would be much weaker. But no one of them had then committed any crime defined in the law. Every one of them, if arrested, would have been discharged on *habeas corpus* were the writ allowed to operate. In view of these and similar cases, I think the time not unlikely to come when I shall be blamed for having made too few arrests rather than too many.

"By the third resolution the meeting indicate their opinion that military arrests may be constitutional in localities where rebellion actually exists, but that such arrests are unconstitutional in localities where rebellion or insurrection does not actually exist. They insist that such arrests shall not be made 'outside of the lines of necessary military occupation and the scenes of insurrection.' Inasmuch, however, as the Constitution itself makes no such distinction, I am unable to believe that there is any such constitutional distinction. I concede that the class of arrests complained of can be constitutional only when, in cases of rebellion or invasion, the public safety may require them; and I insist that in such cases they are constitutional wherever the public safety does require them, as well in places to which they may prevent the rebellion extending, as in those where it may be already prevailing; as well where they may restrain mischievous interference with the raising and supplying of armies to suppress the rebellion, as where the rebellion may actually be; as well where they may restrain the enticing of men out of the army, as where they would prevent mutiny in the army; equally constitutional at all places where they will conduce to the public safety, as against the dangers of rebellion or invasion. Take the particular case mentioned by the meeting. It is asserted in substance, that Mr. Vallandigham was, by a military commander, seized

and tried 'for no other reason than words addressed to a public meeting in criticism of the course of the administration, and in condemnation of the military orders of the general.' Now, if there be no mistake about this, if this assertion is the truth and the whole truth, if there was no other reason for the arrest, then I concede that the arrest was wrong. But the arrest, as I understand, was made for a very different reason. Mr. Vallandigham avows his hostility to the war on the part of the Union; and his arrest was made because he was laboring, with some effect, to prevent the raising of troops, to encourage desertions from the army, and to leave the rebellion without an adequate military force to suppress it.

"He was not arrested because he was damaging the political prospects of the administration or the personal interests of the commanding general, but because he was damaging the army, upon the existence and vigor of which the life of the nation depends. He was warring upon the military, and this gave the military constitutional jurisdiction to lay hands upon him. If Mr. Vallandigham was not damaging the military power of the country, then his arrest was made on mistake of fact, which I would be glad to correct on reasonably satisfactory evidence.

"I understand the meeting whose resolutions I am considering, to be in favor of suppressing the rebellion by military force—by armies. Long experience has shown that armies cannot be maintained unless desertion shall be punished by the severe penalty of death. The case requires, and the law and the Constitution sanction, this punishment. Must I shoot a simple-minded soldier-boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert? This is none the less injurious when effected by getting a father, or brother, or friend into a public meeting, and there working upon his feelings till he is persuaded to write the soldier-boy that he is fighting in a bad cause, for a wicked administration of a contemptible government, too weak to arrest, to punish him, if he shall desert. I

think that, in such a case, to silence the agitator and save the boy is not only constitutional, but, withal, a great mercy.

"If I be wrong on this question of constitutional power, my error lies in believing that certain proceedings are constitutional when, in cases of rebellion or invasion, the public safety requires them, which would not be constitutional when, in absence of rebellion or invasion, the public safety does not require them: in other words, that the Constitution is not in its application in all respects the same in cases of rebellion or invasion involving the public safety, as it is in times of profound peace and public security. The Constitution itself makes the distinction, and I can no more be persuaded that the government can constitutionally take no strong measures in time of rebellion, because it can be shown that the same could not be lawfully taken in time of peace, than I can be persuaded that a particular drug is not good medicine for a sick man because it cannot be a good food for a well one. Nor am I able to appreciate the danger apprehended by the meeting, that the American people will by means of military arrests during the rebellion lose the right of public discussion, the liberty of speech and the press, the law of evidence, trial by jury, and habeas corpus throughout the indefinite peaceful future which I trust lies before them, any more than I am able to believe that a man could contract so strong an appetite for emetics during temporary illness as to persist in feeding upon them during the remainder of his healthful life.

"In giving the resolutions that earnest consideration which you request of me, I cannot overlook the fact that the meeting speak as 'Democrats.' Nor can I, with full respect for their known intelligence, and the fairly presumed deliberation with which they prepared their resolutions, be permitted to suppose that this occurred by accident or in any way other than that they preferred to designate themselves 'Democrats' rather than 'American citizens.'

"In this time of national peril, I would have preferred to meet you upon a level one step higher than any party

platform, because I am sure that from such more elevated position we could do better battle for the country we all love than we possibly can from those lower ones where, from the force of habit, the prejudices of the past, and selfish hopes of the future, we are sure to expend much of our ingenuity and strength in finding fault with and aiming blows at each other. But since you have denied me this, I will yet be thankful for the country's sake that not all Democrats have done so. He on whose discretionary judgment Mr. Vallandigham was arrested and tried is a Democrat, having no old party affinity with me, and the judge who rejected the constitutional view expressed in these resolutions, by refusing to discharge Mr. Vallandigham on habeas corpus, is a Democrat of better days than these, having received his judicial mantle at the hands of President Jackson. And still more, of all those Democrats who are nobly exposing their lives and shedding their blood on the battlefield, I have learned that many approve the course taken with Mr. Vallandigham, while I have not heard of a single one condemning it. I can not assert that there are none such. And the name of President Jackson recalls an instance of pertinent history. After the battle of New Orleans, and while the fact that the treaty of peace had been concluded was well-known in the city, but before official knowledge of it had arrived, General Jackson still maintained martial or military law. Now that it could be said the war was over, the clamor against martial law, which had existed from the first, grew more furious. Among other things, a Mr. Louailier published a denunciatory newspaper article. General Jackson arrested him. A lawyer by the name of Morel procured the United States Judge Hall to order a writ of habeas corpus to release Mr. Louailier. General Jackson arrested both the lawyer and the judge. A Mr. Hollander ventured to say of some part of the matter that 'it was a dirty trick.' General Jackson arrested him. When the officer undertook to serve the writ of habeas corpus, General Jackson took it from him, and sent him away with a

copy. Holding the judge in custody a few days, the general sent him beyond the limits of his encampment, and set him at liberty with an order to remain till the ratification of peace should be regularly announced, or until the British should have left the southern coast. A day or two more elapsed, the ratification of the treaty of peace was regularly announced, and the judge and others were fully liberated. A few days more, and the judge called General Jackson into court and fined him \$1000 for having arrested him and the others named. The general paid the fine, and then the matter rested for nearly thirty years, when Congress refunded principal and interest. The late Senator Douglas, then in the House of Representatives, took a leading part in the debates in which the constitutional question was much discussed. I am not prepared to say whom the journals would show to have voted for the measure.

"It may be remarked—first, that we had the same Constitution then as now; secondly, that we then had a case of invasion, and now we have a case of rebellion; and, thirdly, that the permanent right of the people to public discussion, the liberty of speech and of the press, the trial by jury, the law of evidence, and the habeas corpus, suffered no detriment whatever by that conduct of General Jackson, or its subsequent approval by the American Congress. And yet, let me say that, in my own discretion, I do not know whether I would have ordered the arrest of Mr. Vallandigham. While I cannot shift the responsibility from myself, I hold that, as a general rule, the commander in the field is the better judge of the necessity in any particular case. Of course, I must practise a general directory and revisory power in the matter.

"One of the resolutions expresses the opinion of the meeting that arbitrary arrests will have the effect to divide and distract those who should be united in suppressing the rebellion, and I am specifically called on to discharge Mr. Vallandigham. I regard this as, at least, a fair appeal to me on the expediency of exercising a constitutional power

which I think exists. In response to such appeal I have to say, it gave me pain when I learned that Mr. Vallandigham had been arrested (that is, I was pained that there should have seemed to be a necessity for arresting him), and that it will afford me great pleasure to discharge him as soon as I can by any means believe the public safety will not suffer by it. I further say, that as the war progresses, it appears to me, opinion and action, which were in great confusion at first, take shape and fall into more regular channels, so that the necessity for strong dealing with them gradually decreases. I have every reason to desire that it should cease altogether, and far from the least is my regard for the opinions and wishes of those who, like the meeting at Albany, declare their purpose to sustain the government in every constitutional and lawful measure to suppress the rebellion. Still, I must continue to do so much as may seem to be required by the public safety."

This letter to Erastus Corning, and others, June 12, 1863, contains Lincoln's defense not alone for the arrest of Vallandigham, but for that of every other person arrested in like manner, or for like reason, during the war. On June 3d, General Burnside suppressed the *Chicago Times* because of its "repeated expression of disloyal and incendiary sentiments." The president rescinded the order. Public sentiment in Chicago was unanimous in request of this, and reflected the general sentiment of the North. The zealously loyal portion of the North strongly approved the president's treatment of Vallandigham, and the arrest of men who publicly expressed "secesh" sentiments, whether at public meetings or through newspapers—as General Burnside accused the *Chicago Times* of doing, and also the *New York World*. Now, in these piping times of peace, the historian of the war, calmly weighing Lincoln's course, must consider the responsibility which lay upon him. Writers who delight in the equities of human conduct and who demand their observance at all times, and who construe right civil procedure wholly by precedent and the letter of the

Constitution, censure Lincoln for the arrest of Vallandigham and also for other and less notorious arrests. The historian looks backward; Lincoln was compelled to act amidst gravest perils to the Nation. He did not defend his course, in the case of Vallandigham, as the course he would prefer, but as the exceptional course which the public safety required—just as the war itself was the exceptional course for the preservation of the Union. The issue is a very old one: When shall military procedure supersede civil procedure? The Confederacy, the Rebellion, tested by the principles of nationality, was unconstitutional; and the Confederacy declared that the attempt of the Nation to suppress rebellion was unconstitutional; so the emancipation proclamation was unconstitutional, and as was asserted, military arrests like Vallandigham's were unconstitutional. As Lincoln said on another occasion, some would have the world believe that it was unconstitutional to attempt to maintain the Constitution. Government in the United States rests fundamentally on civil concepts—but in a final test, these concepts define themselves according to the will of the majority. In exerting this will, the process may be civil or military. The period of the Civil War was not wholly a period when the definition was working itself out by civil process. The state of mind of the American people was changing, and extraordinary and exceptional procedure, such as that typified in the arrest of Vallandigham, was an incident of that change. Testing Lincoln's conduct and responsibility for this and other arbitrary arrests at the North during the war by the tests which alone can be applied to a man for his acts—the motive and the law—there can be but one just conclusion, that to maintain the Union, to protect and defend that entity and organism, the Nation, was his motive and that the final law in such cases—exceptional as he himself admitted them to be—cannot be the letter of the law, but its spirit and purpose. If violence was done to the Constitution by Lincoln's act, the responsibility rests upon those who at the time of the act were imperilling

The Constitution by rebellion. It is one of the paradoxes of history that critics who censure Lincoln for the arrest and punishment of Vallandigham also praise the leaders of the Confederacy for valor, skill and victory.

Toward the close of 1862, an event of extraordinary and exceptional character occurred—the creation of the State of West Virginia. In the usual course, a State of the American Union, since the union of the original Thirteen States, is formed out of a Territory, the Territory itself being created by act of Congress and carved out, geographically, from Federal soil. The creation of West Virginia differed from that of any other American Commonwealth. I will transcribe the history of the formation and admission of West Virginia from the third volume of my *Constitutional History of the United States*:

"For more than half a century, Virginia had consisted of two parts and two peoples: the Eastern and lower portion, the lowlands; the Western and newer portion, the highlands. As far back as 1830, when Madison, Marshall, Monroe, Upshur and Giles were assembled, with many other delegates to frame a new constitution for the Commonwealth, the differences between its eastern and western portions were clearly recognized, for a time, at least, by the plan of compromise projected and carried through by Madison. These differences arose chiefly from inequalities in representation and from hostility to slavery in the western counties.

"The people of the forty counties comprising the highlands of the State did not join with those of the lowlands when Virginia seceded, but organized a loyal government, at Wheeling, in June, 1861. Francis H. Pierpoint was chosen governor; a legislature was formed; United States senators were chosen, and all the machinery of a loyal State set in motion. Acting both as convention and legislature, the Wheeling delegates, by an ordinance, on the 20th of August provided for the organization of the new State. The question was submitted to the people, who answered,

in October, by an overwhelming affirmative vote. On the 26th of November, the delegates chosen assembled at Wheeling, and in convention during the next sixty days, prepared a constitution of government for the new State, to which the name of West Virginia was given. The people of the forty counties within the new jurisdiction ratified the work of the convention at a special election, in April, and the fate of the new Commonwealth was left with Congress. The election on April 3, 1862, resulted in the adoption of the constitution.

"The petition of the people of West Virginia for admission into the Union raised questions for the settlement of which there was no precedent. Kentucky, Tennessee and Maine had been parts of older States. Vermont, while claiming to be a free and independent State, had been claimed by New Hampshire, Massachusetts and New York, but the admission of these four States had been in times of peace. The Constitution of the United States had been observed and Congress and the legislatures of the States concerned, and they included Virginia and North Carolina, had given their consent to the formation of the new Commonwealths. But in 1861, the question of what constituted the State of Virginia might be variously answered. The supporters of the Southern Confederacy would have said that the true area of Virginia was the same as it had been since the admission of Kentucky; but Union men might answer that the State consisted in its loyal population, and that the government of Virginia convened at Wheeling, which the president had recognized and was supporting, was its true government. Therefore its assent to the division of the State complied with the provision of the National Constitution.

"The bill for the admission of West Virginia passed Congress on the 31st of December, 1862. The constitution of the new State provided that no slave should be brought, or free person of color be permitted to come, into it for permanent residence. This provision was eliminated during

the progress of the bill through Congress; and in accordance with the wishes of the people of the State, Congress substituted a clause for the gradual emancipation of slaves, on and after the 4th of July, 1863. All within the State, under the age of ten years, at the time, should be free at the age of twenty-one; all over ten and under twenty-one, should be free at the age of twenty-five; no slave should be permitted to come into the State for permanent residence. The clause excluding slaves recalls the famous provision, originating with Benton and inserted in the Missouri constitution of 1820, for excluding free persons of color from that State. West Virginia would now exclude slaves. Its constitution was a sign of the changes of forty years. The State of West Virginia should be admitted by proclamation.

"This proviso necessarily led the president to a most careful examination of the constitutionality and the expediency of the law. On this point the Cabinet was divided, but the decision rested with the president. His opinion, which, doubtless hereafter will be construed as a precedent, resulting as it did, at a critical time, in the admission of a new State, formerly slaveholding but now abolishing slavery, stands as a practical solution of a new problem and at the same time as a factor of great moment in the final overthrow of the institution. 'The consent of the legislature of Virginia,' wrote the president, 'is constitutionally necessary to the bill for the admission of West Virginia becoming a law. A body claiming to be such legislature has given its consent. We cannot well deny that it is such, unless we do so upon the outside knowledge that the body was chosen at elections in which a majority of the qualified voters of Virginia did not participate. But it is a universal practice, in popular elections in all these States, to give no legal consideration whatever to those who do not choose to vote, as against the effect of the votes of those who do choose to vote. Hence, it is not the qualified voters, but the qualified voters who choose to vote that constitute the

political power of the State. Much less than to non-voters should any consideration be given to those who did not vote in this case, because it is also matter of outside knowledge that they were not merely neglectful of their rights under, and duty to this government, but were also engaged in open rebellion against it. Doubtless among these non-voters were some Union men whose voices were smothered by the more numerous secessionists, but we know too little of their number to assign them any appreciable value.'

"Could the National government stand, if it indulge constitutional construction by which men, in open rebellion against it, were to be accounted, man for man, the equals of those who maintained their loyalty to it? Were they to be accounted even better citizens, and more worthy of consideration, than those who merely neglected to vote? If so, their treason against the constitution enhanced their constitutional value. Without braving these absurd conclusions, it could not be denied that the body which consented to the admission of West Virginia was the legislature of Virginia. Lincoln did not think the plural form of the word 'legislatures' and 'States,' in the phrase of the Constitution, 'without the consent of the States concerned,' had any reference to the case before him. That plural form used, he believed, sprang from the contemplation of two or more old States contributing to form a new one. The idea that a new State was in danger of being admitted without its own consent was not provided against, because, as he conceived, it was not thought of. The Union must take care of its own. It could not do less and live.

"The question of the expediency of admitting West Virginia was, in the president's opinion, more a question for Congress than for the executive. Yet he did not evade it. More than anything else, it depended on whether the admission or rejection of the new State would, under all the circumstances, tend the more strongly to the restoration of the National authority throughout the Union. That which helped most in this direction was the most expedient at this

time. Doubtless those in the remaining portion of Virginia would return to the Union less reluctantly without the division of the old State than with it, but for the thought that the Nation could not save as much in this quarter by rejecting the new State as it would lose by it in West Virginia. The aid of West Virginia could not be spared in the struggle going on, much less could the Nation afford to have her people in opposition. Her brave and good men, Lincoln said, regarded her admission into the Union as a matter of life and death. They had been true to the Union under very severe trials. The Nation had so acted as to justify their hopes, and it could not fully retain their confidence and co-operation if it seemed to break faith with them. Again, the admission of the new State turned that much slave soil into free, and thus would be a certain and irrevocable encroachment upon the cause of rebellion. The division of a State might be dreaded as a precedent, but a measure made expedient by war is no precedent for times of peace. It had been said that the admission of West Virginia would be secession, and be tolerated only because it was secession carried out by the national party. By whatever name it was called there was still a difference enough between secession against and secession in favor of the Constitution. For these reasons Lincoln believed expedient the admission of West Virginia into the Union. On December 31, 1862, he signed the bill.

"The State convention reassembled on the 12th of February following, and substituted the provision adopted by Congress for the clause in the original constitution; and on the 26th of March, the amended instrument was ratified by the popular vote. On the 19th of June, West Virginia became the thirty-fifth State in the Union. It was the first slaveholding State which provided for gradual emancipation, but so swiftly did public opinion change that in less than two years from the day of its admission, its legislature was preparing to submit a constitutional amendment for the immediate abolition of slavery."

The political significance of the admission of West Virginia must not be overlooked; it gave two more senators to the support of the administration; another representative and an earnest population which sympathized with the national cause. It struck a deadly blow at slavery at a critical moment. But its admission was a greater strain on the Constitution than all the arbitrary arrests of Vallandigham and others, and the suppression of newspapers—indeed, than all the other acts of the president the constitutionality of which was doubted. West Virginia was the child of the Civil War.

General Hooker, as commander of the Army of the Potomac, was an experiment, though the appointment came as due to his rank. Lincoln feared his rashness and had doubts of his loyalty to Burnside. "I have heard," the president wrote Hooker, January 26, 1863, "in such a way as to believe it, of your recently saying that both the army and the government needed a dictator. Of course it was not for this, but in spite of it, that I have given you the command. Only those generals who gain successes can set up as dictators. What I now ask of you is military success, and I will risk the dictatorship. The government will support you to the utmost of its ability, which is neither more nor less than it has done and will do for all commanders. I much fear that the spirit which you have aided to infuse into the army, of criticising their commander and withholding confidence from him, will now turn upon you. I shall assist you as far as I can to put it down. Neither you nor Napoleon, if he were alive again, could get any good out of an army while such a spirit prevails in it; and now beware of rashness. Beware of rashness, but with energy and sleepless vigilance go forward and give us victories."

But Hooker was not Napoleon and the spirit which a long series of failures, defeats and bloody losses had infused into the army was equivalent to heavy reinforcements to General Lee. Hooker set himself to his task, beginning with the sentiments of the men under him, and succeeded

in winning a large degree of their confidence—but to them he was a poor substitute for McClellan. The principal difference between the two generals was that Hooker was a fighter. He had an army of 130,000; Lee, but 60,000, occupying the defenses of Fredericksburg. Hooker purposed to strike at Richmond and thus compel Lee to protect his communications. On April 30th, Hooker himself, with four corps, reached Chancellorsville, not however, without fighting, and in a boastful order announced expected victory to the army. Lee, accurately informed of all the Federal movements, advanced to meet Hooker, who suddenly fell back. The whole story may be read in General Meade's comment: "If we can't hold the top of the hill we certainly cannot hold the bottom of it." Hooker was taking the defensive. Lee and Jackson, in consultation, not without contempt of their opponent's military capacity with a force twice as great as theirs, determined to divide their army. Jackson, May 2d, with 30,000 men, attacked the Eleventh Corps under General O. O. Howard; both Hooker and Howard persisted in believing that Jackson was in retreat. Jackson was retreating at a Confederate pace toward the Eleventh Corps, which he struck like a whirlwind and put to rout. Amidst the Union panic, Jackson rode forward beyond his line to inspect the field; the Federal soldiers firing, Jackson turned back to join his own, when, mistaken by his own troops for a Union officer, he was fired upon by them and mortally wounded. By 10 o'clock next day, the Confederates were in possession of the field. Once again the heights of Fredericksburg were charged, and after a fierce conflict, were captured. General Sedgwick had done, though against less odds, what Burnside had failed to do. Lee then attacked Sedgwick who was on his way to join Hooker, and fought on the 4th with 25,000 against Sedgwick's 20,000, till, at the coming of night, Sedgwick succeeded in getting his army to the north side of the Rappahannock. Hooker, with ample reserve, had made no effort to help Sedgwick. On the 6th, the Army of the Potomac

was again on the north bank of the river, having lost 17,287 men. Lee's loss was 12,463. But the Confederacy had lost Stonewall Jackson, whom Lee put above himself as a soldier. Of all the men who fought against the Union, General Jackson possessed the most extraordinary characteristics. With him the cause of the South was a religion. 'Every act of his life was undertaken with prayer; he was a Confederate Puritan. Had the cause of the Confederacy been just and right, it might have had a dozen Stonewall Jacksons. And the result? The world remembers that so long as Jackson lived the Confederacy seemed invincible.

"Who may pretend to explain the incongruity of man?" remarks the historian Rhodes, in his final comment on General Jackson. "Both the conscientious Jackson and Barère, the man without a conscience, believed in waging war like barbarians. During the wars of the Revolution the Frenchman proposed to the Convention that no English or Hanoverian prisoners be taken. 'I always thought,' declared Jackson, that 'we ought to meet the Federal invaders on the outer verge of just right and defense, and raise at once the black flag, viz., "No quarter to the violators of our homes and firesides." It would, in the end, have proved true humanity and mercy. The Bible is full of such wars, and it is the only policy that would bring the North to its senses.'"

Another year of war and then with Chancellorsville came the consummation of disasters. McClellan had failed; Pope had failed; Antietam had not been a defeat, yet hardly a victory; Buell had failed; Burnside had failed; Hooker had failed. The Emancipation Proclamation had been issued; West Virginia was a new and a free State; slavery had been given a deadly blow. But England had suffered the *Florida* and the *Alabama* to be built in one of her navy-yards, and to be supplied with armament by her ships. The "Copperheads" at the North were more clamorous than ever; the elections had gone against the administration; the daily expenses of the government were mounting beyond historic

parallel. It had been a year of defeats, losses, disasters, of national trials unprecedented.

Yet the North was not despondent and the tone of her thought was higher than amidst the gloomy days of the year before. The North was becoming a fighting machine—though as yet not exactly in working order. Every dead soldier-boy in the Wilderness, mourned in his Northern home, was a new impulse for freedom. Until Chancellorsville the North had thought of protection and self-defense, not of conquest; but from that disaster she turned with stern face and determined heart and a new feeling—hatred of all for which the Confederacy stood; impassioned love for the cause of the Nation. If war was the trade which must be learned in order that the Nation might live, the North was resolved to learn it. But she was anxiously asking—"Is there not a general who can win victories? Or are all the great soldiers fighting for the Confederacy?"

CHAPTER VI

THE THIRD YEAR OF THE WAR

CHANCELLORSVILLE opened the North to invasion and General Lee sprang to the opportunity. Vicksburg was the compelling reason; the series of defeats of the Army of the Potomac, the immediate encouragement. Grant was investing Vicksburg and its fall meant the reopening of the Mississippi and the cleaving of the Confederacy, hopelessly, from north to south; if Lee could sweep through Pennsylvania, levy tribute on its great cities, Pittsburgh, Philadelphia; seize Harrisburg, and march down upon Washington, he might bring the war to an end and dictate terms of peace at the National capital. To the leaders of the victorious Confederacy the plan was not chimerical: there was the opportunity and there was General Lee, and the achievement of the plan might not seem impossible. Southern sympathizers at the North were voluble and communicative; the "Copperhead" element might be taken at its word and welcome the Confederate army: the North was rich, spoliation would be easy and Lee's army believed itself, because it believed its commander, invincible.

There was also another impelling cause, less encouraging. The Confederacy, thus far largely successful, was straining to maintain itself; its resources, those of an agricultural country, were inexhaustible if cultivated and administered without serious interruption, but not easily responding to the sudden exigencies of war. The fundamental weakness

of all slaveholding communities was becoming apparent—the wastefulness of the system. Food enough for the Confederate army existed at the South but transportation facilities were so rude, imperfect, and, amidst war, unimprovable, that the Richmond government was beset with obstacles, other than the incapacity of administrative officials. The Confederate government was a military absolutism under Jefferson Davis, ruled harshly by his favorites. It presented its one glorious aspect in General Lee, and his lofty character and great military record have naturally cast glory on the whole Confederate cause. But history at last gets on the witness stand and the world must listen to her; and history finds nothing heroic, nothing evincing the capacity demanded by the situation, in Jefferson Davis and his personal government. Like other Confederate leaders, he had spent his life in building up a system which contained fatal germs of decay because it rested on a false economy. The situation is defined when it is said that the moment the Confederacy became defensive it was bound to collapse; its only hope was in aggressive attack. General Lee knew this probably better than any other man identified with the South, and Davis knew it also. Thus in June, 1863, General Lee writes to Davis: "Our resources in men are constantly diminishing, and the disproportion between us and our enemies, if they continue united in their efforts to subjugate us, is steadily augmenting." General Joseph E. Johnston records, repeatedly, in his *Narrative*, the lamentable deficiency of the whole Davis administration; he would persuade posterity that the Confederate government was a monument of incapacity from beginning to end. He denies that the South lacked either men or the resources to support great armies, and holds to the conviction that had a different man been president of the Confederacy, a man who would have pursued an economical policy, utilizing the unconquerable loyalty of the Southern people to the Confederate cause, and the inexhaustible resources of the South, the Confederacy must have triumphed. But General Johnston,

who, as military authorities agree, ranks with Lee and Jackson as a great soldier, was at perpetual odds with Davis, was persistently retired from all adequate opportunity to give the South the benefit of his genius, and has left to the world a record of Confederate weakness, which, had he been able to co-operate with Davis, as did Lee, would certainly never have been written, and, perhaps, could not have been written.

The South got into action first and beat the Army of the Potomac all along the line, save the almost drawn battle of Antietam, until, with Chancellorsville, even trained Northern soldiers were asking whether it was possible to defeat Lee. But General Lee knew only too well the chief danger to the Confederacy—the men and resources of the North. Despite all supplies—and they were very great in the aggregate—which the Confederacy received, chiefly from England, by running the blockade, the Richmond government knew that at the moment General Lee was fighting the battles around Chancellorsville, the Confederacy, as a fighting machine, was running at the limit of its power. The North did not, could not know this, and the South herself was not conscious of it, save the astute few, at the centre of all secrets, and of these, General Lee must be admitted to be first. Otherwise, his plan to invade Pennsylvania, which he rapidly elaborated after Chancellorsville, loses significance. It was a great stake to play, a last card to throw. If the play won, then Confederate independence; if it lost, then dogged resistance till overpowered. It was not a conquest of the North that Lee projected, but the conquest of peace and the recognition of the independence of the Confederacy.

General Hooker, who despite his rashness, had the instincts of the soldier, suspected Lee's plan and divined its scope. But he suggested to Lincoln, that in case Lee moved northward, the Army of the Potomac should swiftly march upon Richmond and capture it: a plan which Lincoln promptly compassed, with all its perils. "I would not go south of the Rappahannock upon Lee's moving north of it.

If you had Richmond invested to-day, you would not be able to take it in twenty days; meanwhile your army would be ruined. I think Lee's army and not Richmond is your sure objective point. If he comes toward the upper Potomac, follow on his flank and on his inside track, shortening your line while he lengthens his. Fight him, too, when opportunity offers. If he stays where he is, fret him and fret him." And again, and earlier, he advised Hooker against crossing to the south of the Rappahannock if Lee came north of it. "If he should leave a rear force at Fredericksburg, tempting you to fall upon it, it would fight in intrenchments and have you at disadvantage, and so, man for man, worst you at that point, while his main force would in some way be getting an advantage of you northward. In one word, I would not take any risk of being entangled upon the river like an ox jumped half over a fence, and liable to be torn by dogs in front and rear, without a fair chance to gore one way or kick the other."

These plain words of Lincoln to Hooker, June 5th and 10th, testify that there was one man at the North who knew where the Confederacy's power lay: in General Lee and his army; that vanquished, the Confederacy was vanquished. "It is reported," write Nicolay and Hay, "that when it was suggested to General Lee that Hooker might take advantage of his absence to advance upon Richmond, he smiled and said, 'Very well, in that case we shall swap queens.' "

Meanwhile General Lee had set his army in motion, and General Ewell's corps left Fredericksburg, June 4th and 5th; Longstreet and Hood had already moved their corps to Culpepper Court House; Hooker now rejected his intuitions and doubted a general northward movement of the Confederates. On the 13th, Ewell was at Winchester, attacked General Milroy, captured a large portion of his force and put the remainder to flight. On the 22d, Ewell is again under way, reaching Carlisle, in Pennsylvania, the 27th. General Early seizes York and levies a contribution of supplies upon it. Harrisburg is his objective and on the

29th he is investing the city. Lee was now at Chambersburg with his whole army. He had for the first time camped on free soil two days before.

General Hooker had not been idle. Not a day had passed, since Lee began his march, without an engagement at some point along the line of march, chiefly between the Federal and Confederate cavalry, in which arm of the service the Union army was stronger and better equipped. General Pleasanton cleared the way and by his successful cavalry encounters gave Hooker "control of the Potomac below Harper's Ferry," thus leaving him free to cross at his own time. Waiting until General Lee's army was on the north side, General Hooker began seizing defensive points in the rear of the Confederates, General Reynolds being ordered to take position at Middletown. Hooker was persuaded that Lee's army outnumbered his own and asked for reinforcements, but Halleck would spare none from the defenses about Washington. The relations between Hooker and Halleck had long been unfriendly and at this critical moment Halleck showed no disposition to exert himself in Hooker's behalf, the latter's direct appeals to the president not tending to make Halleck more helpful to him. Lincoln called upon Maryland, Pennsylvania, Ohio and West Virginia for 100,000 men to repel invasion and the Northern governors were requested by Stanton to forward troops with all haste. The alarm at the North was great. At Philadelphia, intrenchments were thrown up and throughout the State of Pennsylvania the greatest activity prevailed, men swarming to enlist and be led to the front.

At Maryland Heights a garrison lay which General Hooker requested should be ordered to reinforce him. Halleck refused to abandon the point. Hooker, angry, and believing that he was expected to fight Lee with inferior numbers, on June 27th, requested that he be relieved of his command. The president promptly appointed General George G. Meade in his place. He had commanded the Fifth corps of the Army of the Potomac.

Changes in the command of the army had been made after defeats but never before on the eve of battle. General Meade had served with the Army of the Potomac from the opening of the war, with distinction. Almost his first act was to ask the withdrawal of the garrison from Maryland Heights. This was granted and the force was posted at Frederick as part of the reserve. General Meade was the first commander of the Army of the Potomac who did not estimate Lee's army as greater than his own. On succeeding to the command, he issued no bombastic address, made no promises, accepted his great responsibility "with just diffidence" and declared that he relied on "the hearty support of my companions in arms to assist me in the discharge of the important trust which has been confided to me." The relations between Hooker and Meade had been strained for a long time, indeed, ever since Hooker's accession to the command, and it is said that "when General Hardie arrived at Meade's tent with an official envelope and a look of unusual solemnity, the latter thought it was an order of arrest for himself. Meade," continue Nicolay and Hay, "was a tall, thin, reserved man, very near-sighted, with the air of the student rather than of the sabreur. He had none of the genial gifts and graces which were in different ways possessed by all of those who had preceded him in command. But he was known as an able and energetic soldier, of approved courage and calm judgment in difficult circumstances; and it is an evidence of his own worth and of the splendid moral qualities of the great army he commanded, that this perilous change, made in a moment of supreme importance, was accepted both by him and his soldiery without an instant of confusion or hesitation. They went on in the line of duty without breaking step, without a tremor of the pulse."

General Meade made no change in the administration of the army; he had the confidence of his generals and was anxious to find Lee and fight the Army of Virginia. On June 30th, his headquarters were at Taneytown, Maryland,

thirteen miles south of Gettysburg: the Army of the Potomac lay near, partly in Maryland, partly in Pennsylvania. General Lee learned, on the 28th, that the Army of the Potomac was in Maryland, and threatening his communications; he decided to concentrate his army on the east side of the mountains. General Meade, at this time, was pushing his army at right angles to Lee's line of march: each commander was manoeuvring for position. Lee called back Ewell from his projected attack on Harrisburg, ordering his corps, and also Longstreet's and A. P. Hill's, to march to Gettysburg. Thither Meade was also marching and here, July 1st, General Reynolds, with the First corps, began the battle of Gettysburg; which opened with the attempt of Reynolds, assisted by Howard, of the Eleventh corps, to gain possession of Seminary Ridge. Reynolds was killed and Howard was driven back with fearful loss through the town. General Hancock's arrival on the field restored order; he fortified Cemetery Hill; but the Confederates had gained the position for which they fought, Seminary Ridge, and when night fell could claim the success of the day.

During the afternoon of July 2d, Pickett's three brigades arrived near the battlefield, and the two great armies were facing each other, about a mile apart: the Army of Virginia, 70,000; the Army of the Potomac, about 93,000; the Confederates on Seminary Ridge, the Union army on Cemetery Ridge; their lines parallel and stretching in two great curves, the inner, the Federal line, being the shorter and naturally defensive. Every disposition that General Lee made of his troops betokened his contempt for the Army of the Potomac. And doubtless the fact of a change of Federal commanders increased his confidence in his plans. Toward the middle of the afternoon of the 2d, there was heavy fighting on both wings of each army. But the attacks of the Confederates, numerous, fierce, and diverse, were unable to dislodge the Federals. When night came, Meade had lost 20,000 men; Reynolds had been killed, Sickles was seriously

wounded; Howard's corps, badly shattered. There was gloom at headquarters and through the Army of the Potomac, but Meade had resolved to "stay and fight it out."

Military critics declare that General Lee erred when on the 2d he attempted a flank movement, instead of making a direct attack on Meade; as it was, he was partially successful on the 2d; he had struck terrible blows and he felt confident that by following them up he would win a glorious victory. There was no fiercer fighting along the whole front than that which raged about Little Round Top, which, until well along in the afternoon of the 2d had been occupied by the Federals only as a signal station. Hood's division was about seizing it, when General Warren, perceiving the significance of their advance, and the strategic importance of the eminence, succeeded in getting Hazlitt's battery to the summit. A terrible conflict raged about this battery but at last the Federals established themselves impregnably and the line from Little Round Top to the Cemetery was complete. Early on the morning of the 3d, the Confederates opened an attack chiefly about Culp's Hill, the Federals at last regaining the position; they had been driven from it the day before. There now fell a great silence over the field, broken at last by two signal guns. Then followed from every point along the Confederate line a simultaneous discharge of one hundred and fifteen pieces of artillery to which some seventy guns, hastily got into position by General Hunt, replied. After an hour this artillery duel ceased, having done little damage on either side. But officers and men along the line from the Cemetery to Little Round Top knew well what it all meant and prepared for the charge of Lee's army. General Hunt had ordered his batteries to cease firing that the guns might cool and all be in readiness for the expected charge. Looking across the valley, the Union army saw some 17,000 men sweeping forward, as if on parade, banners waving, but before they were half way across the valley, the Federal artillery opened upon them all along the line, the fire of the cannon converging upon the charging

Confederates. General Pickett led the charge. The effect of the Federal fire was terrible, mowing the men down, but the charge was unbroken and rushing on, the advance, a mere fragment, struck the Federal line, planted the Confederate flag amidst captured Federal cannon, wavered, were struck back and Pickett gave the order to retreat. The little clump of brush, since grown to woods, which Pickett's men pierced, was the high-water mark of the Confederacy. There Cushing's battery stood and this for a moment the Confederates held, till the Union soldiers, crowding forward, overwhelmed and drove back the charge. General Longstreet had strongly counselled against Pickett's charge and had reluctantly given the word. General Lee seems to have believed that his artillery had silenced the Federal batteries and opened the way to the destruction of Meade's army.

Lee confidently expected a general advance of the Union army, but none was attempted. Meade did not realize how great a battle he had fought, how important a victory he had won. General Lee assumed all responsibility for the defeat. A soldier less great would have blamed subordinates, or attributed failure to circumstances. On the morning of the 5th, the Confederate army was in full retreat and Meade sent Sedgwick in pursuit but he reported Lee too strong. On the 7th, Meade received news of the fall of Vicksburg and orders from Washington to follow hard after Lee and strike another blow before he could get across the Potomac. A week was spent in correspondence. Meanwhile Lee's army was at the Potomac awaiting the repair of a bridge over which to cross. By the 11th, Meade's army had come up within a mile and he called a council of war. Halleck telegraphed, "Call no council of war. It is proverbial that councils of war never fight.—Do not let the enemy escape." During the night of the 13th, General Lee's army crossed the river safely. Lincoln was disappointed, almost angered. "We had them within our grasp, we had only to stretch forth our hands and they were ours, and

nothing I could say or do could make the army move." But he sent a generous letter to Meade, thanking him for his great services to the country. John Hay recorded in his diary, that Lincoln regretted that he had not gone himself to the army and personally issued the order for an attack.

General Lee had at last been defeated: this was the thought which made the North rejoice. But North and South were mourning the dead, the wounded, the missing. Gettysburg was the fiercest battle ever fought on the continent; the Union loss was 23,000; the Confederate, 20,450, and of these nearly 6,000 were killed and more than 27,000 wounded, in the battle. And there was the fate worse than death—Libby Prison, Belle Isle, Andersonville, whither nearly 5,000 soldier-boys, captives in Lee's army, were swiftly taken.

Vicksburg, on the eastern bank of the Mississippi, was the chief Confederate stronghold of the southwest. The bluffs, rising here to the height of nearly two hundred feet, made the site a natural and almost impregnable fortress. Its importance to the Confederacy was fully realized by the Richmond government, and President Davis, from the outbreak of the war, had given its fortification anxious thought. The city was the military citadel of his own State; it controlled the navigation of the Mississippi River, and kept open communications with Louisiana and Texas, and, through the latter, with Mexico, whose port at Matamoras was the entry from Europe for military supplies to the Confederacy; the ports of the Confederacy being closed by the blockade, with increasing rigor and effectiveness, as the war proceeded. Tennessee was still the great battle-ground of the lower west, where the result, however certain ultimately, seemed yet doubtful: Chattanooga, the grand objective of military operations. The reduction of Vicksburg would give the National government control again of the Mississippi. On January 30, 1863, General Grant assumed command of the expedition against Vicksburg. The difficulty of the work assigned him is hinted at in the fact that it was not

until May 18th that he arrived before the immediate defenses of the place. The intervening months had been spent in a series of engagements, minor when compared with the culminating movements and sacrifices of the army, but all contributory to the grand purpose of the commander—the capture of Vicksburg. Perhaps no fortified town in the history of modern warfare presented more difficult approaches to an attacking force. The whole back country—toward the east, north and south, was a maze of almost impenetrable swamps, bayous, shifting streams approaching the magnitude of rivers, and impassable roads. The winter of 1862-3 was one of excessive rains and the vast region comprising the lowlands on the east bank of the Mississippi was flooded. While this natural obstacle defied the Federal engineers, it stimulated them to extraordinary efforts. If Grant could get his army in position on the high bluffs east of the city, its fall must be only a matter of time. To this end he attempted to bring the troops to the place by water, through the bayous from Milliken's Bend, southward, but after most notable engineering feats, and large promise of success, the heavy rains forcing the Mississippi to burst through the levees, the work of the engineers came to naught. This was "the campaign of the bayous."

Though this campaign failed to realize General Grant's plans immediately as to Vicksburg, it brought the Union army well into the interior of Mississippi and enabled it to destroy vast quantities of supplies and thus to cripple the Confederacy; but it did not bring the army to the high land commanding Vicksburg. The failure of these preliminary movements was duly heralded throughout the North by Grant's enemies and strong appeals reached Lincoln to displace him: but he had measured Grant correctly and never for a moment relaxed his support. The military centre of this campaign against Grant was General McClerland, whose long continued criticism of his commander culminated in the publication, May 30th, of a self-gratulatory order, which strongly insinuated that in one of the movements he

had not been adequately supported by Grant and that his own services surpassed that of his colleagues, Sherman and McPherson. Grant promptly removed McClemand. The immediate occasion which McClemand had taken to attack Grant was the failure of the general assault against Vicksburg which Grant had ordered on May 22d. When the campaign of the bayous failed, Grant determined upon a bolder and more dangerous one: to concentrate his army at Milliken's Bend, transport it across the Mississippi, march southward, along the western bank, recross the river below Vicksburg and capture the town. To this end he had the co-operation of Admiral Porter, whose fleet and transports, on the night of April 16th, began running the Vicksburg batteries, bringing supplies and transports down the river to the army.

On the 29th, Admiral Porter attacked Grand Gulf, but without serious effect. Grant then marched his forces further down, on the Louisiana side of the river, and amidst the tumult of another attack on Grand Gulf by Porter's fleet, Grant got his army safely across to the eastern bank, landing at Bruinsburg. The landing-place was a dry ground amidst continuous swamps, bayous, and an almost impenetrable wilderness. Grant immediately turned his army northward and fighting began. Port Gibson fell May 2d; Grand Gulf was evacuated and became Grant's base of supplies. There was no delay; the army was in fighting spirits and eager to bring the campaign to a close: its confidence in Grant was implicit. Lincoln was reading military despatches of a new kind: Grant daily reported gains, successes, the high spirits of the army and the discomfiture of the Confederates. He now had about 43,000 men; General Pemberton, within the defenses of Vicksburg, 40,000; General Joseph E. Johnston, at Jackson, had 15,000. The triumph of Grant's army over the natural obstacles in its path is one of the glories of this campaign. Grant had no fear of Johnston; he was prepared to defeat him before he could make an alliance with Pemberton. General Johnston ordered

Pemberton to fall upon the rear of the Union army, with the purpose of cutting off Grant's supplies; had the manœuvre been executed it would have been fruitless, for Grant had cut loose from his base and was depending for supplies upon the country through which he was passing. On May 14th, Grant defeated Johnston and captured Jackson, the State capital. He visited personally some woolen mills where blankets were made for the Confederacy: he ordered them to be destroyed. On the 16th, he defeated Pemberton at Champion's Hill. General Pemberton describes his defeat as a rout. His army took refuge in Vicksburg.

Grant pursued closely, crossed the Big Black River and took position on Walnut Hills and Haynes's Bluff, overlooking Vicksburg. He was on the north side of the fortress and in close communication with Porter's fleet and the North. "In nineteen days," writes the historian Rhodes, "Grant had crossed the great river into the enemy's territory, had marched one hundred and eighty miles, through a difficult country, skirmishing constantly, had fought and won five distinct battles, inflicting a greater loss upon the enemy than he himself sustained and capturing many cannon and fieldpieces, had taken the capital of the State and destroyed its arsenals and military manufactories, and was now in the rear of Vicksburg."

"The right wing of the Union army," writes John Fiske, "now rested on the long-coveted bluffs above the city, and looked down upon the Mississippi with feelings like those which surged in the bosoms of the Ten Thousand Greeks when from a peak in Asia Minor they caught sight of the friendly sea. Grant was with Sherman this morning, and the two rode together upon the very bluff which five months before the latter had vainly tried to storm. 'Until this moment,' exclaimed Sherman, 'I never thought your movement a success. But this is a campaign! this is a success, if we never take the town.' Grant took out a fresh cigar and lighted it, smiled, and said never a word. Vicksburg was no longer the unapproachable Gibraltar of America.

This wonderful campaign had made her like any other fortress. Grant's lines were drawn about her, and the bluffs which so long had baffled him now guarded his new base of supplies. The soldiers had contrived to live fairly well off the country and had not suffered from hunger, though they had eaten so much poultry with so little bread that the sight of a chicken disgusted them. Never, perhaps, was a campaign carried out so precisely in accordance with its plan."

Grant still had the conviction that he could take the place by storm and ordered a general assault on the 22d; it was a failure and 3,200 were killed and wounded; nothing but a siege could reduce Vicksburg. His despatches to Lincoln must have given the president inexpressible satisfaction: there was no brag, no demand for ceaseless reinforcements, no complaining, no criticism of wind and weather. Grant assured the president that he could withstand a rear attack of 30,000 men and manage the force in Vicksburg at the same time, and he gave the president no cause to believe that any such force could be brought against him by Johnston. But the government saw to reinforcements and Grant, before June closed, had an army of 75,000 under command.

The six weeks' siege of Vicksburg must ever remain an example of persistent Federal aggression and of patient and heroical Confederate defense. Of the nature of the defenses—the caves and cellars into which the inhabitants of the town took themselves for safety, of the incredible hardships endured, the story has been often told. There was only one danger—the attempt of General Johnston to relieve the beleaguered town, and this Grant did not fear. Johnston never seriously thought of attacking Grant. The Richmond government, realizing the gravity of impending disaster, strained its powers to relieve the place, but in vain. There was a man before Vicksburg, an army, and a people behind that man and that army, against whom the powers of the Confederacy were helpless. General Johnston

was in one of the most difficult of possible situations: his president, Davis, unfriendly to him personally and long withholding from him what was due him as a great soldier; the Confederacy must hold Tennessee and must not lose Vicksburg—and the Richmond government expecting Johnston to relieve Vicksburg and also to hold Tennessee. Johnston pointedly reported that Vicksburg was hopeless and that the Richmond government must decide which it cared to hold: Tennessee or the State of Mississippi; and might not Mississippi soon mean Georgia and the entire lower South? There was a formidable mind in front of Vicksburg and no man was quicker to recognize his presence than the astute Johnston.

Meanwhile from the heights above Vicksburg, and from the fleet below, night and day, there fell the ceaseless rain of bursting shells, shrapnel, solid shot, and all the varied and destructive projectiles of the bombardment. Flesh and blood might have withstood longer had not the food of the besieged given out; Pemberton's army was demoralized, his officers were demanding the surrender of the place. On the morning of July 4th, General Grant reported to Lincoln: "The enemy surrendered this morning. The only terms allowed is their parole as prisoners of war."

The news reached Lincoln on the 7th. He knew that a Confederate army of 30,000 was taken; 170 cannon, 50,000 stands of small arms of most improved pattern, recently from Europe through the port at Matamoras, and that General Grant had accomplished the fall of Vicksburg with the loss of less than 10,000 men. The president that day made Grant a major-general in the regular army, and soon after, at Grant's request, Sherman and McPherson, brigadier-generals. Port Hudson, on receipt of the news, surrendered without a blow to General Banks, July 8th, and a week later the steamboat *Imperial*, from St. Louis, reached New Orleans with its cargo. The Confederacy was divided in twain, and as Lincoln expressed it, "the Father of Waters again goes unvexed to the sea."

In a military way, Vicksburg was a greater event than Gettysburg, yet Pemberton was not Lee; Meade might have taken Vicksburg; had commanders been exchanged, and Grant doubtless would have cut off Lee's retreat across the Potomac; but coming together, Vicksburg and Gettysburg were victories of the first magnitude and their effects quite beyond measurement by man. Let Lincoln make the comment upon them, in his "Response to a Serenade," at the White House, on the evening of the day he received the news from Grant:

"I am very glad indeed to see you to-night, and yet I will not say I thank you for this call; but I do most sincerely thank Almighty God for the occasion on which you have called. How long ago is it? eighty-odd years, on the Fourth of July, for the first time in the history of the world, a nation, by its representatives, assembled and declared, as a self-evident truth, 'that all men are created equal.' That was the birthday of the United States of America. Since then the Fourth of July has had several very peculiar recognitions. The two men most distinguished in the framing and supporting of the Declaration were Thomas Jefferson and John Adams—the one having penned it, and the other sustained it the most forcibly in debate—the only two of the fifty-five who signed it that were elected presidents of the United States. Precisely fifty years after they put their hands to the paper, it pleased Almighty God to take both from this stage of action. This was indeed an extraordinary and remarkable event in our history. Another president, five years after, was called from this stage of existence on the same day and month of the year; and now, on this last Fourth of July just passed, when we have a gigantic rebellion, at the bottom of which is an effort to overthrow the principle that all men are created equal, we have the surrender of a most powerful position and army on that very day. And not only so, but in a succession of battles in Pennsylvania, near to us, through three days, so rapidly fought that they might be

called one great battle, on the first, second and third of the month of July; and on the fourth, the cohorts of those who opposed the declaration that all men are created equal 'turned tail' and ran. Gentlemen, this is a glorious theme, and the occasion for a speech, but I am unprepared to make one worthy of the occasion. I would like to speak in terms of praise due to the many brave officers and soldiers who have fought in the cause of the Union and liberties of their country from the beginning of the war. These are trying occasions, not only in success, but for the want of success. I dislike to mention the name of one single officer, lest I might do wrong to those I might forget. Recent events bring up glorious names, and particularly prominent ones, but these I will not mention. Having said this much, I will now take the music."

The simplicity, directness and comprehensiveness of this speech put into clear perspective the fundamental purpose of the Civil War as the North understood it: to maintain the fundamental principle on which free government in America rested. It was a civil interpretation of two immense military events—Gettysburg and Vicksburg; Lincoln saw in these events the confirmation of the principles which are the excuse for the existence of the United States. Pollard, the Southern historian, attributes the fall of Vicksburg to Jefferson Davis; asserting that Pemberton was his "creature"; that the surrender, in which, he says, "the South suffered the most aggravated disaster of the war" and among the consequences of which was "finally a lost Confederacy," was the consequence of a conspiracy against General Johnston who "was placed in the field to bear the responsibility of a campaign which he never ordered, and the secret history of which remained at Richmond, to be disclosed or to be retained, according as the result might make to the credit or discredit of the military genius of Mr. Davis."

General Lee, after the failure of his campaign northward, ending at Gettysburg, requested Davis that he be retired

from the command of the Army of Northern Virginia, which Davis, perhaps with larger military insight than Pollard accords him, promptly refused. It has often been said that Gettysburg and Vicksburg should have ended the war, as doubtless they would had the Confederacy been a recognized Nation, instead of "States in rebellion and insurrection"; yet, had North and South, the Nation and the Confederacy, met in conference, directly after these victories, the Nation must have insisted on executing the emancipation proclamation and, as yet, the Confederacy must have refused to accept that proclamation. The war was shaping itself as a gigantic conflict between pro-slavery and anti-slavery—and the armies in the field were determining the final conclusion. That, at the time of Grant's victory at Vicksburg, the issue was clear as to slavery, cannot be doubted, in the light of the draft riots in New York City which broke out July 13th. The draft, which began July 7th, in Rhode Island, and was continued thereafter, proceeded under authority of the conscription act of March 3, 1863, which put the whole matter of raising new troops in the hands of the United States, through its provost-marshals, directed by the War Department. All able-bodied male citizens of the United States, and foreigners who had declared their intention to become citizens, between the ages of twenty and forty-five years, save exemptions by substitute or the payment of \$300, were liable to be drafted. The procedure could not be popular, but opposition to the act was slight till the outbreak in New York City, where, largely because of the feebleness of the municipal government and the publicly proclaimed hostility of the governor of the State, Horatio Seymour, to the administration, the ruffian element in the city sprang to the opportunity to make opposition to the draft "to fight for niggers" an excuse. The mob practically controlled the city for three days: the property of citizens eminent in their support of the administration and of the cause of emancipation—the *Tribune* office, for example—was injured or destroyed. The Colored Orphan

Asylum was sacked and burned; the negro population, in terror, secreted itself; several negroes were caught, shamefully tortured and put to death. The mob attacked stores, railroad stations, private houses; robbed and plundered and put the city into such fear that all business was suspended. Governor Seymour, reaching the city about noon on the 14th, addressed the mob, or the crowd which for a moment assembled before the City Hall, when he appeared. He called the rioters "my friends." During the 14th, 15th and 16th, the municipal authorities, taking counsel with the Governor and the heads of the local militia, and reinforced by loyal regiments quickly dispatched from the army at the front, began battle with the rioters. Cannon, howitzers and rifles drove the mobs back and finally dispersed them. A thousand men had been killed and property to the value of \$1,500,000 destroyed. Governor Seymour requested Lincoln to suspend the draft. "I do not object," wrote the president in reply, August 7th, "to abide a decision of the United States Supreme Court, or of the judges thereof, on the constitutionality of the draft law. In fact, I should be willing to facilitate the obtaining of it, but I cannot consent to lose the time while it is being obtained. We are contending with an enemy who, as I understand, drives every able-bodied man he can reach into his ranks, very much as a butcher drives bullocks into a slaughter-pen. No time is wasted, no argument is used. This produces an army which will soon turn upon our now victorious soldiers, already in the field, if they shall not be sustained by new recruits as they should be. It produces an army with a rapidity not to be matched on our side, if we first waste time to re-experiment with the volunteer system already deemed by Congress, and palpably, in fact, so far exhausted as to be, inadequate, and then more time to obtain a court decision as to whether a law is constitutional which requires a part of those not now in the service to go to the aid of those who are already in it, and still more time to determine with absolute certainty that we get those who are to go in the

precisely legal proportion to those who are not to go. My purpose is to be in my action just and constitutional, and yet practical, in performing the important duty with which I am charged, of maintaining the unity and the free principles of our common country."

Governor Seymour had by proclamation pronounced the draft act unconstitutional and the draft unnecessary; he had also denounced the treatment of Vallandigham, and seemingly neglected no opportunity to condemn the whole policy of the administration. Public opinion North, especially after Gettysburg and Vicksburg, warmly sustained Lincoln; the "Copperhead" element, though perhaps less noisy, was yet rancorous, but supporters of the administration felt toward it as did the patriots of 1776 toward the Tories and Loyalists of that time. The draft was resumed in New York on the 19th and continued unimpeded, filling up the gaps in the National army with men directly chosen by the chance of the law, but very largely, with substitutes and bounty men who were tempted to take the place of those regularly drawn. Many men doubled or even trebled the bounty of \$300; the term "bounty-jumpers" took significance, and the Confederacy and its friends in England and elsewhere began describing the National army as "comprising the off-scourings of Europe." The quotas were made up, the men sent to the front, and the war went on.

That the struggle was defining itself as a war for freedom, on the one side—the North, and for slavery, on the other—the South, is clear from the public and private utterances of the time. Lincoln's reply to the serenade and the conclusion of his letter to Governor Seymour, together with his many similar utterances, leave no doubt of the interpretation which he put upon the war. The struggle had not begun as "a fight to free negroes," but a struggle to preserve the Union. Lincoln's letter to Horace Greeley, August 22, 1862—about a year earlier than this to Governor Seymour, had declared: "My paramount object in this

struggle is to save the Union, and is not either to save or to destroy slavery." But could the Union be saved with slavery and would it not be destroyed if slavery was saved? And many at the North had long been asking—and among them Wendell Phillips, William Lloyd Garrison, and the Abolitionists generally, whether the Union with slavery was worth saving. The state of mind which, lingering at the North, had tolerated slavery, was shaken by Gettysburg and Vicksburg: whatever the causes of the war, it was thenceforth plain that the Confederacy was fighting now only for slavery; all other claims, causes, reasons, were only excuses for slavery. The vice-president of the Confederacy had announced all this in a public speech before the war actually began, but if the North believed him it was not at that time an anti-slavery North; it really cared nothing for the negro, and it knew little about slavery, save as a practical political force that was manipulated, in national affairs, wholly for the benefit of the South.

Movements for peace lingered, North and South, after war actually began, but their influence was feeble. The Richmond government, apparently expectant, as was General Lee, of the success of the march into Pennsylvania, was not in a mood to propose peace when Lee set out from Fredericksburg, but eminent Southerners thought the time opportune to negotiate proceedings, and, notably, Alexander H. Stephens, who, about the middle of June, 1863, proposed to Jefferson Davis that he should go to Washington, ostensibly to negotiate questions involving the exchange of prisoners but really to secure recognition of the Confederacy; the time had come, so he assured Davis, to get the whole subject properly before the Federal government. At this moment General Lee was near Gettysburg and the North was in alarm; Davis believed that Stephens's mission might best be undertaken at such a crisis. Before Stephens reached Fortress Monroe, Gettysburg was fought and Vicksburg had surrendered. Through Admiral Lee, of the Confederate navy, a letter was sent to Gideon Welles,

secretary of the navy, that Stephens was "bearer of a communication in writing from Jefferson Davis, commander-in-chief of the land and naval forces of the Confederate States, to Abraham Lincoln, commander-in-chief of the land and naval forces of the United States," and that he wished to proceed at once to Washington. Lincoln declared Stephens's request "inadmissible" and that the customary agents and channels for communication between the United States and the insurgents were adequate. Stephens's real purpose was to reach public opinion at the North; to provoke the Copperhead element to greater activity and sympathy and, by awakening a counter-revolution, force Lincoln to acknowledge the independence of the Confederacy. The attempt of the Confederate vice-president was well timed to the sentiments of the extreme Democratic party at the North. That party, by no means a feeble one, had, in New York, elected Horatio Seymour, governor. In Pennsylvania, Judge George W. Woodward, of the Supreme Court, a Democrat, had pronounced the draft law unconstitutional, and making the question an issue, the Democratic party named him its candidate for governor against Andrew G. Curtin. General McClellan publicly endorsed Woodward. Curtin was re-elected, and the Supreme Court of the State, its membership full now by the election of Daniel Agnew in place of Woodward, resigned, reversed its decision on the unconstitutionality of the conscription act. In Ohio, in Indiana, in Illinois, the Peace Party was making exhaustive efforts to defeat the administration. The Republicans of Illinois, remembering the birthday of their party and its founders, greatly desired that Lincoln should come home and address the people of the State at a great mass meeting. The invitation, however agreeable to Lincoln's wishes, could not be accepted but he wrote a letter which should be read to the meeting. In this letter he stated anew the national cause, reviewed the state of public affairs, and uttered the doctrines of the party upon which he relied for support in carrying on the war. The Peace Party and the Copperheads

had repudiated the Emancipation Proclamation; the arming of soldiers for national defense, and the general policy of the administration. Lincoln met these objectors face to face. He wrote:

"Your letters, inviting me to attend a mass meeting of unconditional Union men, to be held at the capital of Illinois on the 3d day of September, has been received. It would be very agreeable to me to thus meet my old friends at my own home, but I cannot just now be absent from here so long as a visit there would require.

"The meeting is to be of all those who maintain unconditional devotion to the Union, and I am sure my old political friends will thank me for tendering, as I do, the Nation's gratitude to those other noble men whom no partisan malice or partisan hope can make false to the Nation's life.

"There are those who are dissatisfied with me. To such I would say: You desire peace, and you blame me that we do not have it. But how can we attain it? There are but three conceivable ways. First, to suppress the rebellion by force of arms. This I am trying to do. Are you for it? If you are, so far we are agreed. If you are not for it, a second way is to give up the Union. I am against this. Are you for it? If you are, you should say so plainly. If you are not for force, nor yet for dissolution, there only remains some imaginable compromise.

"I do not believe any compromise embracing the maintenance of the Union is now possible. All I learn leads to a directly opposite belief. The strength of the rebellion is its military—its army. That army dominates all the country and all the people within its range. Any offer of terms made by any man or men within that range, in opposition to that army, is simply nothing for the present, because such man or men have no power whatever to enforce their side of a compromise if one were made with them.

"To illustrate: Suppose refugees from the South and peace men of the North get together in convention and frame and proclaim a compromise embracing a restoration

of the Union, in what way can that compromise be used to keep Lee's army out of Pennsylvania? Meade's army can keep Lee's army out of Pennsylvania, and I think can ultimately drive it out of existence. But no paper compromise to which the controllers of Lee's army are not agreed can at all affect that army. In an effort at such compromise we should waste time which the enemy would improve to our disadvantage, and that would be all.

"A compromise, to be effective, must be made either with those who control the rebel army, or with the people first liberated from domination of that army by the success of our own army. Now, allow me to assure you that no word or intimation from that rebel army, or from any of the men controlling it, in relation to any peace compromise, has ever come to my knowledge or belief. All charges and insinuations to the contrary are deceptive and groundless. And I promise you that if any such proposition shall hereafter come, it shall not be rejected and kept a secret from you. I freely acknowledge myself the servant of the people according to the bond of service—the United States Constitution—and that as such I am responsible to them.

"But, to be plain, you are dissatisfied with me about the negro. Quite likely there is a difference of opinion between you and myself upon that subject. I certainly wish that all men could be free, while I suppose you do not. Yet I have neither adopted nor proposed any measure which is not consistent with even your view, provided you are for the Union. I suggested compensated emancipation, to which you replied that you wished not to be taxed to buy negroes. But I had not asked you to be taxed to buy negroes, except in such a way as to save you from greater taxation, to save the Union exclusively by other means.

"You dislike the Emancipation Proclamation, and perhaps would have it retracted. You say it is unconstitutional. I think differently. I think the constitution invests its commander-in-chief with the law of war in time of war. The most that can be said—if so much—is that slaves are property.

Is there, has there ever been, any question that by the law of war, property both of enemies and friends may be taken when needed? And is it not needed whenever taking it helps or hurts the enemy? Armies, the world over, destroy enemies' property when they cannot use it, and even destroy their own to keep it from the enemy. Civilized belligerents do all in their power to help themselves or hurt the enemy, except a few things regarded as barbarous or cruel. Among the exceptions are the massacre of vanquished foes and non-combatants, male and female.

"But the proclamation, as law, either is valid or not valid. If it is not valid it needs no retraction. If it is valid it cannot be retracted, any more than the dead can be brought to life. Some of you profess to think its retraction would operate favorably for the Union. Why better after the retraction than before the issue? There was more than a year and a half of trial to suppress the rebellion before the proclamation issued; the last one hundred days of which passed under an explicit notice that it was coming, unless averted by those in revolt returning to their allegiance. The war has certainly progressed as favorably for us since the issue of the proclamation as before.

"I know, as fully as one can know the opinions of others, that some of the commanders of our armies in the field, who have given us our most important successes, believe the emancipation policy and the use of colored troops constitute the heaviest blow yet dealt to the rebellion, and that at least one of these important successes could not have been achieved when it was but for the aid of black soldiers. Among the commanders holding these views are some who never have any affinity with what is called Abolitionism or with Republican party politics, but who held them purely as military opinions. I submit these opinions as being entitled to some weight against objections often urged that emancipation and arming the blacks are unwise as military measures, and were not adopted as such in good faith.

"You say you will not fight to free negroes. Some of them seem willing to fight for you—but no matter. Fight you, then, exclusively to save the Union. I issued the proclamation on purpose to aid you in saving the Union. Whenever you shall have conquered all resistance to the Union, if I shall urge you to continue fighting, it will be an apt time then for you to declare you will not fight to free negroes. I thought that in your struggle for the Union, to whatsoever extent the negroes should cease helping the enemy, to that extent it weakened the enemy in his resistance to you. Do you think differently? I thought that whatever negroes can be got to do as soldiers leaves so much less for white soldiers to do in saving the Union. Does it appear otherwise to you? But negroes, like other people, act upon motives. Why should they do anything for us if we will do nothing for them? If they stake their lives for us, they must be prompted by the strongest motive, even the promise of freedom. And the promise being made, must be kept.

"The signs look better. The Father of Waters again goes unvexed to the sea. Thanks to the great Northwest for it. Nor yet wholly to them. Three hundred miles up they met New England, Empire, Keystone, and Jersey, hewing their way right and left. The sunny South, too, in more colors than one, also lent a hand. On the spot, their part of the history was jotted down in black and white. The job was a great national one, and let none be banned who bore an honorable part in it. And while those who have cleared the great river may well be proud, even that is not all. It is hard to say that anything has been more bravely and well done than at Antietam, Murfreesboro, Gettysburg, and on many fields of lesser note. Nor must Uncle Sam's web-feet be forgotten. At all the watery margins they have been present. Not only on the deep sea, the broad bay, and the rapid river, but also up the narrow, muddy bayou; and wherever the ground was a little damp, they have been and made tracks. Thanks to all. For the

great Republic—for the principle it lives by and keeps alive—for man's vast future—thanks to all.

"Peace does not appear so distant as it did. I hope it will come soon, and come to stay; and so come as to be worth the keeping in all future time. It will then have been proved that among free men there can be no successful appeal from the ballot to the bullet, and that they who take such appeal are sure to lose their case and pay the cost. And then there will be some black men who can remember that with silent tongue, and clenched teeth, and steady eye, and well-poised bayonet, they have helped mankind on to this great consummation; while I fear there will be some white ones unable to forget that with malignant heart and deceitful speech they strove to hinder it.

"Still, let us not be over-sanguine of a speedy, final triumph. Let us be quite sober. Let us diligently apply the means, never doubting that a just God, in His own good time, will give us the rightful result."

Nothing that Lincoln ever uttered, so his biographers assure us, had a more instantaneous success than this letter of August 26th, to the Union men of Illinois. Hardly was it published—and it took but ten minutes to read it to the Convention—than responses began pouring in upon Lincoln. Doubtless no letter which the president received moved him more profoundly than that from Josiah Quincy, then ninety-one years of age: "What you say concerning emancipation, your proclamation, and your course of proceeding in relation to it was due to truth and to your own character, shamefully assailed as it has been. The development is an imperishable monument of wisdom and virtue. I write under the impression that the victory of the United States in this war is inevitable; compromise is impossible. Peace on any other basis would be the establishment of two nations, each hating the other, both military, both necessarily warlike, their territories interlocked with a tendency of never-ceasing hostility. Can we leave posterity a more cruel inheritance, or one more hopeless of happiness and prosperity?"

It was Josiah Quincy, the author of this letter, expressive of the will and heart of the North in 1863, who more than half a century before, on January 14, 1811, on the floor of the House of Representatives, speaking in opposition to the bill for the admission of Louisiana into the Union, had said: "I am compelled to declare it as my deliberate opinion, that, if this bill passes, the bonds of this Union are, virtually, dissolved; that the States which compose it are free from their moral obligations; and that as it will be the right of all, so will it be the duty of some, to prepare, definitely, for a separation: amicably, if they can; violently, if they must." Quincy had evidently outlived his Confederate opinions.

The Peace Party went to the polls and to ignominious defeat in the fall elections of 1863. John Hay, on election day, records Stanton's remark: "The disheartening thing in the affair was that there seemed to be no patriotic principle left in the Democratic party, the whole organization voting solidly against the country."

The general enlistment and arming of negroes for the national defense was no part of the policy of the administration at the time of the announcement of the preliminary emancipation proclamation, in July, 1862, but at that time the ever-increasing multitude of fugitive slaves in Union camps and in the wake of the Union armies presented many serious problems both to commanders in the field and to the president. He had a conviction that to turn the power of slavery against slavery and rebellion must hasten the end of the war, but public opinion North was not prepared for so extreme an innovation. The pressure of the problem for solution led the president, in August, 1862, to authorize, through the secretary of war, commanders in the field to employ for purely defensive purposes slaves that came within their lines, and General Saxton, at Port Royal, was given authority to arm, uniform, equip and drill, for the defense of the plantations about Port Royal, 5,000 volunteers from this African contingent. The act of Congress of July 17th,

of that year, empowered the president to employ negroes in the general defense and for the suppression of the rebellion, either in the army, the navy or in camp service, negroes thus employed to receive ten dollars a month and one ration, and clothing to the value of three dollars, to be deducted from the monthly wage. When in September, the president issued the preliminary emancipation proclamation, it announced the change of policy by declaring that persons of African descent would be received into the armed service of the United States. As early as April, 1862, General Hunter had begun arming negroes, but the act did not receive the support of public sentiment, generally, at the North nor the approval of commanders in the field: the army officers as yet looked with contempt on the negro as a possible soldier; yet there were able officers who thoroughly believed in the right and policy of the innovation. Among these was Colonel T. W. Higginson, of Massachusetts, whose *Army Life in a Black Regiment* tells the story of the negro soldier in the Civil War. In New Orleans, General Butler enlisted one regiment during the summer and autumn, but they were free persons of color, the prejudice against enrolling such being less in Louisiana than elsewhere. Free persons of color had fought under General Jackson in the battle of New Orleans. And Governor Moore had raised a regiment of free negroes for rebel uses, but had not armed it. After the Confiscation Act of July 17, 1862, the recruiting of negro regiments went on rapidly under General Butler. Thus by the time of the final Emancipation Proclamation, at the opening of 1863, negro regiments were no longer an experiment and the public mind, stirred by reports of their courage and devotion, was accustoming itself to the change and the president had adopted it as a fixed element in his policy. In March, General Banks, at New Orleans, reported twenty-one negro regiments, making from 10,000 to 12,000 men, infantry, cavalry and artillery—the result of his four or five months' activity, and regiments were from this time reported by commanders in

the lower South and in the Southwest: at Memphis, at Corinth, at Vicksburg, and elsewhere. General Grant favored the use of negro soldiers and General Thomas reported that the prejudice in the army to employing them was fast dying out. A negro regiment was raised by Governor Sprague, of Rhode Island, in September, 1862, and another by Governor Andrew, of Massachusetts, in May following, and a third, the Fifty-Fifth Massachusetts Colored, in June. These regiments were immediately sent south. When it is remembered that the laws of the free States, as well as of the slave, before the War discriminated against negroes and that both the laws and the constitutions of the Northern States forbade the enrollment of negroes in the militia, the arming of organized negro regiments in any Northern State was, legally, quite as much of an innovation as at the South. In the border States public prejudice refused to tolerate the thought of negro regiments. General Grant gave vigorous support to the president's policy of arming the negroes. "There is no objection," he wrote the president, August 26, 1863, "there is no objection, however, to my expressing an honest conviction; that is, by arming the negro we have added a powerful ally. They will make good soldiers, and taking them from the enemy weakens him in the same proportion they strengthen us. I am therefore most decidedly in favor of pushing this policy to the enlistment of a force sufficient to hold all the South falling into our hands and to aid in capturing more."

That opponents of the administration at the North included the enrollment of negroes as one of the errors of the president is clear from his reply, in his letter to the Illinois Convention, on the subject. To that reply there could be no rational rejoinder. The Copperhead element at the North never ceased, however, taunting Lincoln's supporters with the ignominy of fighting with negroes for negroes.

Despite this desperate love of country, the Copperheads were compelled to witness the spread of public approbation of the president's policy, which, as developed by Congress,

resulted, during the last two years of the war, in the active service of 186,000 negro soldiers, of whom nearly 124,000 were in service at one time, distributed through all the arms—infantry, cavalry and artillery. No comment on this aspect of Lincoln's statesmanship is wiser than that of his biographers, Nicolay and Hay:

"This magnificent exhibit is a testimony to Mr. Lincoln's statesmanship which can hardly be over-valued. If he had adopted the policy when it was first urged upon him by impulsive enthusiasts, it would have brought his administration to political wreck, as was clearly indicated by the serious election reverses of 1862. But restraining the impatience and the bad judgment of his advisers, and using that policy at the opportune moment, he not only made it a powerful lever to effect emancipation, but a military over-weight aiding effectually to crush the remaining rebel armies and bring the rebellion, as a whole, to a speedy and sudden collapse."

To the whole policy of Lincoln the Confederacy, of course, made opposition, but for the policy of emancipation and arming of negro soldiers the Confederacy initiated retaliation. The whole literature of war contains no more elaborate scheme for bloody reprisal than the scheme authorized by the Richmond government. It declared that General Hunter and other commissioned officers of the United States "employed in drilling, organizing, or instructing slaves, with a view to their armed service in this war—shall not be regarded as a prisoner of war, but held in close confinement for execution as a felon at such time and place as the president shall order." Negro slaves captured in arms were to be turned over to State authorities to be dealt with according to the black code, and General Butler was specially designated—with his officers, as "robbers and criminals deserving death," to be "whenever captured, reserved for execution." The rage of the Confederate president and his advisers fulminated itself in proclamations, edicts and laws the substance of which was the death sentence of every

Federal officer who identified himself with the arming and equipping of negro soldiers. With this feeling toward Federal officers there went a fiercer wrath toward the negro soldier himself, whom the Confederacy straightway proceeded to treat, not as a soldier, but as a fugitive slave in arms against his master, refusing him all the rights and privileges of a combatant. The execution of this retaliation kept even pace with the spirit which had indited it, and negro soldiers captured were butchered in cold blood. The Confederacy treated these captives as animals that had attacked their masters, not as human beings fighting for freedom. It is difficult, perhaps impossible, now to understand the state of mind which precipitated this frequent butchery of negro soldiers. Isolated cases were terrible, but the massacre at Fort Pillow, at the surrender of which at least 300 negro soldiers were murdered in cold blood by the overwhelming force of Confederates under General Forrest, was a culmination of horrors. President Lincoln caused a thorough investigation to be made; the barbarity could not be passed over. Some members of the Cabinet advised the president to execute a policy of retaliation. This was in May, 1864, when Grant's campaigns dominated attention. Lincoln took no retributive action for the massacre at Fort Pillow; he had from the outset of the war refused to contribute in any way to its becoming "a violent and remorseless revolutionary struggle."

But there is a brief Confederate chapter in the history of the negro soldier in the war. Late in the year 1864, the Confederacy began drilling and arming negro soldiers. This complete abandonment of the fundamental principle of its government was a surrender which confesses the unrighteousness of its cause. The whole story is told by Pollard in his *Secret History of the Confederacy*:

"The proposition to arm the negro slaves in the South, and to enlist them in the Confederate service—had as early as the autumn of 1864 found some expression in the newspapers, the uniform theory being that the negro soldier

should be emancipated at the end of the war, and that this prospect would hold out an appropriate reward for his services, and stimulate them to the highest degree of efficiency. But the discussion was general, speculative, and several months elapsed after the first allusions we have described, before the arming of the slaves was considered a probable measure, and had become a subject of practical argument. The public mind had to be brought up by degrees to the calm contemplation of a reform so radical; had to be delicately managed to support so great a surprise, and to put itself on familiar terms with so thorough a change of its traditions and old associations.

"Mr. Davis slowly and reluctantly progressed to the open advocacy of the employment of the slaves as soldiers. In his official message of the 7th of November, 1864, he thought that no necessity had yet arisen for resort to such a measure; but he added: 'Should the alternative ever be presented of subjugation, or of the employment of the slave as a soldier, there seems no reason to doubt what should then be our decision.' As events progressed, and under influences hereafter to be indicated, Mr. Davis was forced from this equivocal position and was found recommending to Congress the enlistment of the negro in all the breadth of this measure; and, at last, when in March, 1865, an imperfect bill was passed to obtain negro recruits, he wrote, with but little consistency in view of his earlier message, although justly enough with reference to the delay: 'Much benefit is anticipated from this measure, though far less than would have resulted from its adoption *at an earlier date*, so as to afford time for their organization and instruction during the winter months.'

"Meanwhile the question of employing negro soldiers had been debated from a variety of standpoints, with great excitement, and upon a singularly nice balance of arguments, affirmative and negative. In favor of the measure it was urged that the negro could be effectively used as a soldier, that the experiment had already been determined in the Northern armies, where 200,000 negroes had already been

put under arms and had proved serviceable soldiers; that the military experience of all nations had shown that a severe discipline was capable of making soldiers from almost any human material; and that the South could use the negro to better advantage as a soldier than the North could; that it could offer superior inducements to his good service by making him a freeman in his own home, instead of turning him adrift at the end of the war in a strange and inhospitable country, and that it could furnish him officers who could better understand his nature and better develop his good qualities than could his military taskmaster in the North. These views were not a little plausible, and they founded some pleasant calculations. It was estimated by Secretary Benjamin that there were 680,000 black men in the South of the same ages as the whites then doing military service. Again, if there was any doubt of their efficiency at the front, and until they were educated to bear the fire of the enemy there, they might be employed in other parts of the military field—they might be put in the trenches; and General Ewell, who commanded the immediate defenses of Richmond, had declared that with a negro force thus employed on the interior lines of the capital, 15,000 white soldiers might be liberated from a disagreeable duty and be used by Lee on the enemy's front. As to emancipation as a reward of the negro's services, it was said that slavery was already in an expiring condition in the South on account of the shock given to it by the invasions and raids of the enemy, and the uncertainty of this property was represented in the low prices it brought, the price of an average slave such as would have commanded before the war twelve or fifteen hundred dollars being now scarcely more than fifty dollars, estimated in gold; and it was argued with great ingenuity and not without force, that, by a measure of emancipation the South might make a virtue of necessity, remove a cause of estrangement, however unjust, between it and the Christian world, and possibly neutralize that large party in the North, whose

sympathy and interest in the war were mainly employed with the negro, and would cease on his liberation.

"These arguments were not without weight. Yet the reply to them was scarcely less in volume and power. It was said that the measure would be virtually to stake success in the war on the capacity and fidelity of negro troops, of which the South had no assurance; that they would desert at every opportunity; that the white soldiers of the South would never bear association with them, and that their introduction into the army would be the signal of disaffection and mutiny; that the proposed liberation of slaves becoming soldiers was to give up the most important of the objects of the war, and to abandon every ground assumed at its commencement; that it would be a fatal confession of weakness to the enemy, and that it would be a resort to a low and dishonorable alliance far more shameful than that of which the North had been guilty in recruiting its armies. The cry of 'Abolitionism' was used with most effect. It was declared that the South was about to inflict upon itself the very evil to avoid which it had professed to the world that it had separated from the North, and that thus while lowering the dignity of its cause it would also divest itself of its justification, and expose it to history as a useless and wanton controversy.

"The tremulous balance of the Southern mind on the subject of negro enlistments—the almost equal match of arguments, for and against—was determined by a single event, by the influence which one man in the Confederacy threw into the scale. It illustrates, indeed, the wonderful power which General Lee had to command the opinions and confidence of the people of the South, and suggests what must have been his vast superiority to Mr. Davis in this respect, that when, on the subject referred to, departing from his usual reticence or his indifference to the general affairs of the Confederacy—probably for a peculiar reason, as we have elsewhere intimated—he recommended, in a plain, open letter, the arming of the slaves, from that moment the

measure should have obtained a decided, almost overwhelming popular majority in its favor, and been urged on Congress by the almost unanimous voice of the country. Before the declaration of Lee, the measure had been in such suspense that it was difficult to say on which side lay the majority of public opinion. Now Congress could have no doubt of the popularity of the measure; the recommendation of General Lee had reinforced its advocates, and had reconciled nearly the whole country to it; and the only thing to fear was that the large slaveholding interest in Congress would prove too strong for both Lee and the people.

"In a letter to Mr. Barksdale, a member of the House of Representatives, from Mississippi, and a confidential friend of Mr. Davis, General Lee declared that no time was to be lost in securing the military services of the slaves. He said: 'The enemy will certainly use them against us if he can get possession of them; and as his present numerical superiority will enable him to penetrate many parts of the country, I cannot see the wisdom of the policy of holding them to await his arrival, when we may, by timely action and judicious management, use them to arrest his progress.' He advanced the opinion from his military experience, that the negroes, under proper conditions, would make efficient soldiers, remarking that they furnished a more promising material than many armies of which we read in history, that owed their efficiency to discipline alone. On the subject of emancipation, and the stimulus to be supplied to obtain recruits, he wrote: 'I think those who are employed should be freed. It would be neither just nor wise, in my opinion, to require them to serve as slaves. The best course to pursue, it seems to me, would be to call for such as are willing to come with the consent of their owners. An impressment or draft would not be likely to bring out the best class, and the use of coercion would make the measure distasteful to them and to their owners. I have no doubt that if Congress would authorize their reception into service, and empower the president to call upon individuals or

States for such as they are willing to contribute, with the condition of emancipation to all enrolled, a sufficient number would be forthcoming to enable us to try the experiment. If it proved successful, most of the objections to the measure would disappear, and if individuals still remained unwilling to send their negroes to the army, the force of public opinion in the States would soon bring about such legislation as would remove all obstacles.'

"It is a matter of greatest surprise that there should have occurred, neither to General Lee nor to President Davis, while occupied with the various arguments we have related on either side of the question of negro enlistments, the great and important fallacy so obviously contained in such a measure. This fallacy was overlooked, and yet it is not too much to say that it constitutes a page for the most important reflections on any part of the war. It is true enough that the object of the war was not the tenure of property in slaves, as claimed by a narrow, insolent and selfish aristocracy of slaveholders, and to the extent of a remark of the Charleston *Mercury*, that 'if slaves were armed, South Carolina could no longer have any interest in prosecuting the war.' But although negro enlistments and consequent emancipation could not be construed—as we have seen the attempt made—to be an abandonment of the object of the war, which surely had higher objects than to protect a certain species of personal property, yet it is profoundly remarkable that this measure, in the shape prepared by President Davis and General Lee, contained a full justification of the Anti-Slavery party in the North, and to that extent, at least, surrendered the contest.

"It cut under the traditions and theories of three generations in the South. The one, essential, exclusive argument, outside of all technical reasonings, which supported negro slavery in the South, was that that condition accommodated the fact of the natural inferiority of the negro, that he obtained his best development, his maximum of civilization and happiness in the condition of a slave. Beyond this

argument, all that has been written or spoken of "the Slavery Question," may be taken for technical defenses—as, for instance, the guaranty of the constitution; for if the slaveholder was *morally* a criminal, he was no better than any other criminal, who might boast or congratulate himself that the law did not reach his case, that the statute was defective—or as excesses or palliatives; for if the slave was well treated, contented, etc., this could not compensate for his loss of liberty any more than in the case of any other prisoner, if the fact was that he was captured from the condition to which nature had assigned him. Briefly, the *justification* of slavery in the South was the inferiority of the negro; it being inferred from this that nature designed him to live in subordination to the white man, and that he was better placed as a slave for his own happiness than if thrust into a violent equality with a superior race. Yet we find Mr. Davis and his counsellors, in their scheme to use the negro as a soldier side by side with the white man, thrusting him into an unnatural equality, and, in the promises of emancipation, virtually proclaiming that his former condition as a slave was an unhappy and injurious one, and holding out to him his freedom as a better state, something most desirable, a reward, a blessing, calculated to make him risk his life for it. It was a fatal inconsistency. By a few strokes of the pen the Confederate government had subscribed to the main tenet of the Abolition party in the North and all its consequences, standing exposed and stultified before the world. We repeat that the only ground on which the South could justify slavery was that it kept the negro in his proper situation, in the condition that was best for him, where he reached his highest moral, intellectual and physical happiness, and could enjoy the full sum of his natural happiness; in short, that while living with the white man, in the relation of slave, he was in a state superior and better for him than that of freedom. Yet this important theory was destroyed by the Confederate government when it proposed that the negro's freedom should be

given him as a reward for services to his country; and the very assumption of his capacity and fidelity in this service was the best argument that could be presented to show the injustice and oppression, and crime of slavery. If the negro was fit to be a soldier, he was not fit to be a slave. If his freedom was to be offered as a reward, then it was a *desideratum*, a boon—it was a better state—a natural good of which the laws of the South had deprived him. Now this was the whole theory of the Abolitionists; and the world found it subscribed to, in circumstances which might be thought to compel sincerity—in what might be easily construed as an honest confession in a season of affliction and misfortune—by no less a person than Jefferson Davis.

"For three months Congress labored in debate and had convulsive intercourse with the president; and the birth was a bill passed not until the 7th of March, 1865—not much more than three weeks before the fall of Richmond—that brought the whole matter to an impotent and ridiculous conclusion. The law, as finally enacted, was merely to authorize the president to receive into the military service such able-bodied slaves as might be patriotically tendered by their masters to be employed in whatever capacity he might direct; no change to be made in the relation of owners of slaves, at least so far as appeared in the bill. The fruit of this emasculated measure was two companies of blacks organized from some negro vagabonds in Richmond, who were allowed to give balls at the Libby Prison and were exhibited in fine, fresh uniforms on Capitol Square, as decoys to obtain sable recruits. But the mass of their colored brethren looked on the parade with unenvious eyes, and little boys exhibited the early prejudices of race by pelting the fine uniforms with mud. The paltriness of the law referred to, was a stock of ridicule and the occasion of a new contempt for Congress. It was seriously interesting only as showing that vague desperation in the Confederacy which caught at straws; and indication of the want of nerve in it to make a practical and distinct effort for safety;

and a specimen of those absurdly small laws of Congress, measured with reference to the necessities for which legislation was invoked."

Meanwhile the negro soldiers in the National armies were winning victories for freedom. The military correspondence of the commanders in the field remains a testimony to their confidence in the capacity and fidelity of the black regiments. No single act of Lincoln's administration equally prepared the nation to consider without prejudice the grave problem of the enfranchisement of the negro, which from the time of the appearance of the negro as an efficient soldier was bound sooner or later to arise. Pollard expresses the new situation in an epigram: "If the negro was fit to be a soldier, he was not fit to be a slave."

Northern opinion of this proposed transformation of the slave into the Confederate soldier was expressed by Lincoln, in the course of an address to an Indiana regiment, March 17, 1865:

"There are but few aspects of this great war on which I have not already expressed my views by speaking or writing. There is one—the recent effort of 'our erring brethren' sometimes so-called, to employ the slaves in their armies. The great question with them has been: 'Will the negro fight for them?' They ought to know better than we, and doubtless do know better than we. I may incidentally remark, that having in my life heard many arguments—or strings of words meant to pass for arguments—intended to show that the negro ought to be a slave—if he shall now really fight to keep himself a slave, it will be a far better argument, why he should remain a slave than I have ever before heard. He, perhaps, ought to be a slave if he desires it ardently enough to fight for it. Or, if one out of four will, for his own freedom, fight to keep the other three in slavery, he ought to be a slave for his selfish meanness. I have always thought that all men should be free; but if any should be slaves, it should be first those who desire it for themselves, and secondly those who desire

it for others. Whenever I hear any one arguing for slavery, I feel a strong impulse to see it tried on him personally. There is one thing about the negro's fighting for the rebels which we can know as well as they can, and that is that they cannot at the same time fight in their armies and stay at home and make bread for them. And this being known and remembered, we can have but little concern whether they become soldiers or not. I am rather in favor of the measure, and would at any time, if I could, have loaned them a vote to carry it. We have to reach the bottom of the insurgent resources; and that they employ, or seriously think of employing, the slaves as soldiers, gives us glimpses of the bottom. Therefore I am glad of what we learn on this subject."

This account of negro troops has extended somewhat beyond the date of the third year of the war, but it has seemed justifiable to bring the subject and its consequences together: for from the time that Lincoln advocated the arming of negro soldiers, the issues involved were under consideration in the Northern mind. That that mind would entertain so novel a proposition is in itself evidence that the traditional state of mind South and North was changing: and this change, in all its aspects, constitutes the cause, the course and the effect of the Civil War.

While the Nation had been vindicating its principles at Gettysburg and Vicksburg, and the president had uttered the slowly formed judgment of the North in the Emancipation Proclamation, public opinion in England had been shown by the utterances of the members of the government. At no time outspoken in favor of the North, and thus far leaving no opportunity unseized for eulogy of the Confederacy, the English press, after the defeat of Pope at Bull Run, reviewed the situation as conclusive proof of the speedy ruin of the Federal cause and the permanent disruption of the Union. Lord Palmerston, the premier, was considering the probability of a conjoint interference, by England, France and Russia, which should bring the war to an end.

Of the exact nature of the queen's utterances at this time, there is apparently no record as yet accessible to historians, but she was credited by the North as favorable to the National cause, and the tradition prevails in America to-day that to her wise and just judgment must be attributed the ultimate policy of non-interference and neutrality which the British government pursued. There is no evidence, on the other hand, that either Lord Palmerston, or Earl Russell or Lord Granville, or Mr. Gladstone, the chancellor of the exchequer, believed that the North would prevent the disruption of the Union. Gladstone, speaking at Newcastle, October 7, 1862, declared: "There is no doubt that Jefferson Davis and other leaders of the South have made an army; they are making, it appears, a navy; and they have made, what is more than either—they have made a nation." And he added: "We may anticipate with certainty the success of the Southern States so far as their separation from the North is concerned."

England did not misunderstand the meaning of these words, and Adams, the American minister, declared, that if they expressed the views of the Cabinet, his term as American minister was likely to be very short. There is ample evidence that Gladstone did utter the sentiments of the members of the Cabinet, but not, technically, of the Cabinet itself, or diplomatic relations between England and the United States must have shortly ceased. But immediately, from the completion of his speech, Gladstone was addressed and interviewed as to the meaning of his words, and he straightway began that dialectical explanation of them which might mean anything or nothing as circumstances might demand. The speech simply shows how little the chancellor of the exchequer understood the issue in America—or, with what slight devotion to the principles of liberty he could indirectly advise the suppression of those principles. The cotton famine in England was the political fulcrum by which opinion there moved the minds of the ministry. And yet, the warmest friends of the American

Nation were among the operatives who suffered most by the famine. The play and game of politics was the play and game of the ministry; but stern economic justice was the demand of the far-seeing minority in the British Islands. The ministry inclined to a policy of joint European interference at Washington—a policy, which appearing in official guise would have sent Charles Francis Adams back very quickly to his own country—as he was instructed to come in case of such an inimical decision. It was a Conservative ministry, this of Lord Palmerston, but it shrank from precipitating England into a war with the United States: disunion in America was not and could not be a rational cause for a declaration of war by England, and the Conservative government preferred its tenure of office to an official announcement of its real sentiments toward the United States. The friends and the critics of the Emancipation Proclamation, in America, disputed over its constitutionality and expediency; in England the proclamation caused no alignment of forces on the national, American side. England cared very little about the fate of the negro in America, so long as he produced cotton in quantities equal to the demands of the British manufacturers. The Emancipation Proclamation, viewed by Englishmen of the Palmerston school, only continued the confusion of labor and the regular production of cotton in America. The act of justice, which as Northern men believed, was the finest quality of the proclamation, did not appeal to the Englishman. Even John Bright, one of the most humane of English statesmen, failed to grasp the significance of the proclamation. There was only one way of winning the official good will of England—and that was by winning victories—such as Gettysburg and Vicksburg: and stripped of all irrelevant matter, all the utterances of Lincoln respecting the stability of the Union have the same meaning: the fate of the Nation depended upon the armies in the field. Had Jefferson Davis freed the slaves by proclamation, his act would have been hailed in England as evidence of the

highest statesmanship and purest morality—not because he had freed the slaves, but because by so much he had brought to a close the interruption in the production of cotton for the English market.

The Emperor of the French, Napoleon III, having ultimate purposes in America and large personal aims to accomplish, was outspoken. He repeatedly gave the Confederate commissioner, Slidell, to understand that he favored an armistice and European intervention. He instructed his ambassadors at St. Petersburg and London to press his opinion upon the governments to which they were accredited. Russia frankly disapproved and declined; England hesitated and debated, but finally, for reasons not wholly inexplicable by domestic politics, also declined. Napoleon, intent upon his schemes, awaited only a favorable moment to resume them. That moment seemed to come with the defeat at Fredericksburg, when he determined to act, and straightway offered the good services of his government to bring about a termination of the war. On February 6, 1863, Secretary Seward, obedient to Lincoln's instructions declined the Emperor's offer. By this time, public opinion in England was changing and ranging itself with the president's Emancipation Proclamation. Great mass meetings attested their sympathy with the cause of freedom; popular preachers and clergymen ventured to advocate the cause of emancipation: a tide of reaction swept over English opinion and the plain people of the kingdom went on record as sympathizing with the North. There were many distinguished men and women in the van of this movement, but none are remembered with more tender memories than Charles Spurgeon and John Bright. Yet the British aristocracy stubbornly held its ground, hostile to the North and in sympathy with the South, and the Confederacy, keenly alive to the situation, flung all possible influence into the scale through the subordination of the press, through innumerable pamphlets, through employed speakers and by what social influence it could muster through its apologists. It

was the old, the familiar spectacle: the masses against the classes—just as in America it was the plain people against the small class of slaveholders. Even the literary men of England, such as Grote and Carlyle and Dickens, sided with the South—being apparently incapable of distinguishing between a slave at the South and a paid laborer at the North; but the literary class, if history speaks truly, is rarely with the reformers of this world though not infrequently succeeding in being,

“—not the first by whom the new is tried,
Nor yet the last to cast the old aside.”

But it was not mere British talk that irritated the North: it was the *Alabama*. This swift warship, built at Liverpool and equipped and manned by British seamen, burned fifty-seven American vessels worth more than \$6,500,000. The *Florida* destroyed less because she fell in with fewer American merchantmen. In March, 1863, three more Confederate warships were under construction at Liverpool for the purpose of breaking the blockade. Earl Russell disclaimed to Adams all responsibility of the British government for these cruisers, but while making the disclaimer, the construction of the cruisers was going on with his full knowledge of their character and purpose. Two powerful iron-clad rams were under construction for the Confederacy, at Birkenhead, by the Lairds, whose company had built the *Alabama*, and this company now launched a new gunboat for the Confederacy, the *Alexandra*. The ministry hid itself behind technicalities and made plea that it could not interfere with the construction of ships in private shipyards unless the evidence was conclusive that the ships were intended for unlawful purposes. But when the Confederate cruisers were launched, nameless, they were suffered by the government to get out to sea and there to take on crews and armament and to unfurl either the British or the Confederate flag as might best suit the moment.

Adams doubted whether peace with England could be maintained six months longer. At last he demanded that the *Alexandra* should be seized. Earl Russell made the necessary order and the rightfulness of the seizure was immediately taken into the courts where the trial lingered until after the war—so that the ship never was in the Confederate service. The order of Earl Russell is evidence that he wished a legal decision of what, as the government was obliged to consider, a point of law involving the right of searches and seizures of private property by the government in time of peace. Goldwin Smith, at the time Regius Professor of History at Oxford, wrote, under date of April 8, 1863, to the *Daily News*, respecting the conduct of the government in permitting the *Alabama* to get to sea: "No nation ever inflicted upon another a more flagrant or more maddening wrong. No nation with English blood in its veins has ever borne such a wrong without resentment."

While Confederate cruisers and iron-clads were being pushed to completion in British shipyards, with the knowledge of the government, came Hooker's defeat at Chancellorsville and Lee's invasion of Pennsylvania. A supporter of the government moved in the House of Commons that England join with the Powers and recognize the Southern Confederacy: but while this tide of Southern sympathy was sweeping through the House, the English mind kept its balance and refused to depart from the policy thus far pursued.

Then came the news of Gettysburg and Vicksburg, which the English press held out against as false and yielded to, at last, with despondency; the Confederate loan to which Englishmen had subscribed of late with alacrity, tumbled at the news and never again had the confidence of the market. Adams recorded in his diary that Lord Palmerston was more civil to him than at any time since the war. But work on the Confederate iron-clads went on, despite the expostulations and protests of Adams. The government hesitated to interfere "on suspicion" and the builders and the

Confederate agents who were hurrying forward the construction took good cheer. To Adams's request that the rams be detained, Earl Russell made dilatory replies, though at heart anxious to comply; sending word to Adams at last that the government was seriously considering detention. Adams had meanwhile sent his famous despatch to Earl Russell: "It would be superfluous in me to point out to your lordship that this is war." The Foreign Office after careful investigation was satisfied that the so-called French ownership of the rams was a mere blind and on October 8th, ordered their detention, enforcing the order by the display of a naval force. The trial of the issue involved was never pressed by the builders and the rams were eventually sold to the British government. They were powerful iron-clads and had they followed the will of their builders and real owners, must have spread havoc along the coast of the United States whither their service was intended.

It is well to turn, here, to the attitude of the Confederacy toward Great Britain and to transcribe the opinion of Jefferson Davis touching British neutrality, which is given in his message to the Confederate Congress, December 7, 1863. After stating, with regret, that there had been "no improvement in the state of our foreign relations . . . since my message in January last," he continues: "On the contrary, there has been still greater divergence in the conduct of European nations from that practical impartiality which alone deserves the name of neutrality, and their action, in some cases, has assumed a character positively unfriendly." Davis then gives a history of the blockade of the Confederacy by the National government—a blockade "embracing a coast line of 3,549 statute miles, on which the number of rivers, bays, harbors, inlets, sounds, and passes is 189. The navy possessed by the United States for enforcing this blockade (declared April 19 and 27, 1861) was stated in the reports communicated by President Lincoln to the Congress of the United States to consist of twenty-four vessels

of all classes in commission, of which half were in distant seas. The absurdity of the pretension of such a blockade in face of the authoritative declaration of the rights of neutrals made at Paris, in 1856, was so glaring that the attempt was regarded as an experiment on the forbearance of neutral powers, which they would promptly resist." This blockade he pronounces "a paper blockade" and complains of its recognition as an effective blockade by the British government; he asserts that this recognition was in defiance of the facts, and violated the right of the Confederacy to the privileges of a neutral nation under the declaration of Paris: that if Great Britain was to act as a neutral towards the United States she was bound to act in the same manner toward the Confederacy. He asserts, and cites from the correspondence of Earl Russell, that the British government agreed to pursue this course at the outbreak of the war, but that she had violated her agreement. Davis quotes Earl Russell's reasons as follows: "Still looking at the law of nations it was a blockade, we, as a great belligerent power in former times, should have acknowledged. We, ourselves, had a blockade of upwards of 2,000 miles, and it did seem to me that we were bound in justice to the Federal States of America to acknowledge that blockade. But there was another reason which weighed with me. Our people were suffering severely for the want of that material which was the main staff of their industry, and it was a question of self-interest whether we should not break the blockade. But in my opinion the men of England would have been for ever infamous if, for the sake of their own interest, they had violated the law of nations and made war in conjunction with these slaveholding States of America against the Federal States."

Commenting on this, Davis continues: "In the second of these reasons our rights are not involved; although it may be permitted to observe that the conduct of governments has not heretofore to my knowledge been guided by the principle that it is infamous to assert their rights,

whenever the invasion of those rights creates great suffering among their people, and injuriously affects great interests. But the intimation that relations with these States would be discreditable because they are slaveholding, would probably have been omitted if the official personage who has published it to the world had remembered that these States were, when colonies, made slaveholding by the direct exercise of the power of Great Britain, whose dependencies they were, and whose interests in the slave-trade were then supposed to require that her colonies should be made slaveholding." Davis objects to Earl Russell's conclusion "that Great Britain is bound in justice to the Federal States," to make return for the war waged against her by the United States in resistance of her illegal blockade of 1807, by an acquiescence in the Federal illegal blockade of 1861. The most alarming feature in this statement is its admission of a just claim on the part of the United States to require of Great Britain, during this war, a disregard of the recognized principle of modern public law and of her own compacts, whenever any questionable conduct of Great Britain, "in former times," can be cited as a precedent. It is not inconsistent with respect and admiration for a great people whose government has given us this warning, to suggest that their history, like that of mankind in general, offers exceptional instances of indefensible conduct "in former times"; and we may well deny the morality of violating recent engagements through deference to the evil precedents of the past.

"After defending, in the manner just stated, the course of the British government on the subject of the blockade, Her Majesty's Foreign Secretary takes care to leave no doubt of the further purpose of the British government to prevent our purchase of vessels in Great Britain, while supplying our enemies with rifles and other munitions of war, and states the intention to apply to Parliament for the furtherance of this design. He gives to the United States the assurance that he will do in their favor not only

'everything that the law of nations requires, everything that the present foreign enlistment act requires,' but that he will ask the sanction of Parliament 'to further measures that Her Majesty's ministers may still add.' This language is so unmistakably an official exposition of the policy adopted by the British government in relation to our affairs, that the duty imposed on me by the Constitution of giving you from time to time 'information of the state of the Confederacy,' would not have been performed if I had failed to place it distinctly before you. The facts which I have briefly narrated are, I trust, sufficient to enable you to appreciate the true nature of the neutrality professed in this war. It is not in my power to apprise you to what extent the government of France shares the views so unreservedly avowed by that of Great Britain, no published correspondence of the French government on the subject having been received. No public protest nor opposition, however, has been made by His Imperial Majesty against the prohibition to trade with us, imposed on French citizens by the paper blockade of the United States, although I have reason to believe that an unsuccessful attempt was made on his part to secure the assent of the British government to a course of action more consonant with the dictates of public law and with the demands of justice towards us.

"The partiality of Her Majesty's government in favor of our enemies has been further evinced in the marked difference of its conduct on the subject of the purchase of supplies by the two belligerents. The difference has been conspicuous since the very commencement of the war. As early as the 1st of May, 1861, the British minister in Washington was informed by the Secretary of State of the United States that he had sent agents to England, and that others would go to France to purchase arms, and this fact was communicated to the British Foreign Office, which interposed no objection. Yet in October of the same year, Earl Russell entertained the complaint of the United States

minister in London, that the Confederate States were importing contraband of war from the island of Nassau, directed inquiry into the matter and obtained a report from the authorities of the island denying the allegations, which report was inclosed to Mr. Adams and received by him as satisfactory evidence to dissipate 'the suspicion naturally thrown upon the authorities of Nassau by that unwarrantable act.' So, too, when the Confederate government purchased in Great Britain, as a neutral country (and with strict observance both of the law of nations and the municipal law of Great Britain), vessels which were subsequently armed and commissioned as vessels of war, after they had been far removed from English waters, the British government, in violation of its own laws and in deference to the importunate demands of the United States, made an ineffectual attempt to seize one vessel, and did actually seize and detain another which touched at the island of Nassau on her way to a Confederate port, and subjected her to an unfounded prosecution at the very time when cargoes of munitions of war were being openly shipped from British ports to New York, to be used in warfare against us. Even now the public journals bring intelligence that the British government has ordered the seizure, in a British port, of two vessels, on the suspicion that they may have been sold to this government, and that they may be hereafter armed and equipped in our service, while British subjects are engaged in Ireland by tens of thousands to proceed to the United States for warfare against the Confederacy, in defiance both of the law of nations and of the express terms of the British statutes, and are transported in British ships, without an effort at concealment, to the ports of the United States, there to be armed with rifles imported from Great Britain and to be employed against our people in a war for conquest. No royal prerogative is invoked, no executive interference is interposed against this flagrant breach of municipal and international law, on the part of our enemies, while strained constructions are placed on existing

statutes, new enactments proposed, and questionable expedients devised for precluding the possibility of purchase, by this government, of vessels that are useless for belligerent purposes, unless hereafter armed and equipped outside of the neutral jurisdiction of Great Britain.

"For nearly three years, this government has exercised unquestioned jurisdiction over many millions of willing and united people. It has met and defeated vast armies of invaders, who have in vain sought its subversion. Supported by the confidence and affection of its citizens, the Confederacy has lacked no element which distinguishes an independent nation, according to the principles of public law. Its legislative, executive and judicial departments, each in its sphere, have performed their appropriate functions with a regularity as undisturbed as in a time of profound peace, and the whole energies of the people have been developed in the organization of vast armies, while their rights and liberties have rested secure under the protection of the courts of justice. This Confederacy is either independent, or it is a dependency of the United States, for no other earthly power claims the right to govern it. Without one historic fact on which the pretension can rest, without one line or word of treaty or covenant, which can give color or title, the United States have asserted and the British government has chosen to concede that these sovereign States are dependencies of the government which is administered at Washington. Great Britain has accordingly entertained with that government the closest and most intimate relations, while refusing on its demand, ordinary and amicable intercourse with us, and has, under arrangements made with the other nations of Europe, not only denied our just claim of admission into the family of nations, but interposed a passive, though effectual bar, to the acknowledgment of our rights by other powers. So soon as it had become apparent, by the declarations of the British ministers, in the debates of the British Parliament in July last, that Her Majesty's government was determined to persist

indefinitely in a course of policy which, under professions of neutrality, had become subservient to the designs of our enemy, I felt it my duty to recall the commissioner formerly accredited to that court."

The conclusion of the matter is best told by Nicolay and Hay:

"A few months later this feeling of resentment was aroused to absolute fury by a letter which Mr. Davis received from the British Legation in Washington conveying a communication from Lord Russell, in which a 'formal protest and remonstrance of Her Majesty's government' was made against 'the efforts of the authorities of the so-called Confederate States to build war vessels within Her Majesty's dominions to be employed against the government of the United States.' 'After consulting with the law officers of the crown,' said Earl Russell, 'Her Majesty's government have come to the decision that agents of the authorities of the so-called Confederate States have been engaged in building vessels which would be at least partially equipped for war purposes on leaving the ports of this country; that these war vessels would undoubtedly be used against the United States, a country with which this government is at peace; that this would be a violation of the neutrality laws of the realm, and that the government of the United States would have just ground for serious complaint against Her Majesty's government should they permit such an infraction of the amicable relations now subsisting between the two countries.'

"The rest of the dispatch was couched in courteous and even kindly terms; but this could not compensate for the injurious substance of the communication, and what was to Mr. Davis the intolerable outrage of the phrase, 'the so-called Confederate States.' He disdained to make any formal reply, but wrote by the hand of his private secretary an angry response, saying: 'Were, indeed, Her Majesty's government sincere in a desire and determination to maintain neutrality, the president could not but feel

that it would neither be just nor gallant to allow the subjugation of a nation like the Confederate States by such a barbarous, despotic race as are now attempting it.' As the three parties concerned belong to precisely the same race, Mr. Davis's furious epithets must have seemed to Lord Russell rather more ludicrous than forcible. The letter goes on to say in an equal confusion of facts and of grammar: 'As for the specious arguments on the subject of the rams advanced by Earl Russell, the president desires me to state that he is content to leave the world and history to pronounce judgment upon this attempt to heap injury upon insult by declaring that Her Majesty's government and law officers are satisfied of the questions involved, while those questions are still before the highest legal tribunal of the kingdom, composed of members of the government and the highest law officers of the crown, for their decision. The president himself will not condescend to notice them.'

"Mr. Mason gave up his residence in London with great regret. He had grown accustomed to the official neglect with which he was treated, and greatly enjoyed the hospitality of those whose sympathies, or rather whose animosities, were with the South. But the orders from Richmond were positive; so he shut up his Legation in Seymour Street and set out for Paris, unconsoled by the answer to his letter of farewell, in which Lord Russell said : 'I regret that circumstances have prevented my cultivating your personal acquaintance which, in a different state of affairs, I should have done with much pleasure and satisfaction.' Mr. Mason afterwards called himself 'Confederate Commissioner on the Continent,' but the title was not satisfying. He kept coming furtively back to London, continually hoping for an invitation to plead his cause in an unofficial manner before some member of the government.

"At last, through the intervention of W. S. Lindsay, M.P., he obtained an interview with Lord Palmerston. This long-desired privilege put him in the highest spirits;

he could not have talked with more vigor and enjoyment if he had been in the smoking-room of the Senate. He talked only too much and too well. Lord Palmerston's proceeding was cruelly Socratic. He confined himself to questions, and the answers came in a flood. Mr. Mason told him that the war would end with this campaign; that the North could not replenish its armies; enlistment had ceased, and they dared not draft. In reply to Palmerston's innocent inquiry what they would do with Washington, after they had captured it, he replied that it would be destroyed, not vindictively, but to keep the enemy at a distance. The defeat of Grant and Sherman, which he assumed as a matter of course, would be followed by anarchy in the North, which would probably prevent any election being held; if held, Lincoln would be defeated. Now, then, was the time for Europe to intervene and insist on peace; the North itself would look upon such action as a godsend; the government would be powerless before the masses insisting on peace. 'I thought both he and I,' said Mason, 'could form a safe opinion as to the probable effect of such interposition, when we looked at the broken and disintegrated condition of the North, broken into factions, its finances in ruins, and unable to replenish its army.'

"Lord Palmerston replied that since Mr. Mason was of the opinion that the crisis was at hand, it might be better to wait until it arrived. He had to be content with the true humorist's appreciation of his own joke, for Mr. Mason saw no gibe in the grave words, but reported them complacently to Richmond, expressing the hope that 'good might come' of the interview."

Owing to a money dispute with the Republic of Mexico, France, Spain and Great Britain sent an expedition to that country in 1861, but withdrew their forces the year following, save the French, who, obedient to ulterior designs of Napoleon III, determined to conquer Mexico and impose upon its people a monarchy and a European prince as emperor. Napoleon assured the United States that he

had no designs against the government, and that he did not intend to subvert the republican government of Mexico. But Secretary Seward and Adams, American minister to England, "suspected his object to be to grasp at a new dependency in that region, with its borders on the Mississippi River." Slidell, the Confederate Commissioner to France, promptly informed Napoleon of the sympathy of the Confederacy with his scheme and offered to sell him 100,000 bales of cotton, worth, at the time, \$12,500,000, in France, if he would send the French navy to break the blockade of the Confederacy—assuring him, at the same time, that President Lincoln sympathized with the Republic of Mexico and that Napoleon and the Confederacy should unite against the United States. Napoleon received the idea with favor, and soon after, as a step toward the development of his plans, proposed, February 3, 1863, through the French minister at Washington, the offer of mediation which by Lincoln's instructions, Seward declined. The French army in Mexico overturned the Republic, conquered the country and on June 10, 1863, entered the capital, where, with remarkable promptness an assembly of notables met, on the same day, "and at once, with a unanimity rarely encountered off the stage, declared for an imperial government and selected as emperor the Archduke Maximilian of Austria." An imposing delegation was dispatched to Europe to offer him the crown of Mexico, and in case of his refusal, "to any one whom the Emperor of France should designate." Napoleon held matters in abeyance by an order that the question of establishing a monarchy in Mexico should be submitted to the suffrages of the Mexican people, an apparent stroke of justice, but in reality merely a bid for the semblance of native approval to his scheme, which he could trust his army in Mexico to secure. Civil war was raging in Mexico, but the French army during the winter of 1863-4, gained possession of the principal cities and towns and the most populous portion of the country: but the vast provincial area remained hostile.

So impossible was it to comply with Napoleon's order for a popular expression in confirmation of the act of the notables in offering the crown to Maximilian, that the effort was abandoned, and on April 10, 1864, the head of the delegation of notables, Señor Gutierrez de Estrada, appeared a second time at the castle of Miramar, near Trieste, the residence of Maximilian, and again offered the crown, not as expressing the will of the Mexican people, but that of the notables, and the authorities under French influence—but duly interpreted to Maximilian as the will of the people. "On the same day a convention between France and Mexico was signed at the castle, by which the new government bound itself to the payment of 270,000,000 francs for the expenses of the French expedition, 12,000,000 more to satisfy the claims of French subjects in Mexico, and a further annual sum of 25,000,000 in specie. Thus with his kingdom in pawn to his powerful protector, bankrupt in advance, loaded down with a debt which he could not reasonably have hoped ever to repay, the ill-starred prince embarked upon his brief career of disaster, which was to be closed by an early and cruel death."

The career of the French and of Maximilian in Mexico served to bring out the essential difference between the principles of the National government at Washington and those of the Confederacy at Richmond.

Maximilian while yet at Miramar informed Slidell of his sympathy with the Confederacy; that he considered its success identical with that of his new empire, and that he believed that the acknowledgment of the Confederacy by France and England ought to take place before his acceptance of the Mexican crown became conditional. This information quickly went the rounds of the Confederate Commissioners in Europe and was hurried off to Richmond, and undoubtedly explains the true meaning and intent of a rather lengthy passage in Davis's message to the Confederate Congress, from which much has already been quoted on foreign relations.

"The events of the last year," continues Davis in his message, "have produced important changes in the condition of our southern neighbor. The occupation of the capital of Mexico by the French army, and the establishment of a provisional government, followed by a radical change in the constitution of the country, have excited lively interest. Although preferring our own government and institutions to those of other countries, we can have no disposition to contest the exercise by them of the same right of self-government which we assert for ourselves. If the Mexican people prefer a monarchy to a republic, it is our plain duty cheerfully to acquiesce in their decision, and to evince a sincere and friendly interest in their prosperity. If, however, the Mexicans prefer maintaining their former institutions we have no reason to apprehend any obstacle to the free exercise of their choice. The Emperor of the French has solemnly disclaimed any purpose to impose on Mexico a form of government not acceptable to the nation; and the eminent personage to whom the throne has been tendered declines its acceptance, unless the offer be sanctioned by the suffrages of the people. In either event, therefore, we may confidently expect the continuance of those peaceful relations which have been maintained on the frontier, and even a large development of the commerce already existing to the mutual advantage of the two countries."

In contrast to these opinions on the attempt of Napoleon to establish a monarchy and a French protectorate in Mexico, are those expressed by Lincoln. Secretary Seward, in September, 1863, made clear to Dayton, the American minister in Paris, the attitude of the government toward the Emperor's Mexican policy. The United States would observe a strict neutrality in the contest between France and Mexico but the United States government believed "that the inherent normal opinion of Mexico favors a government there republican in form and domestic in its organization, in preference to any monarchical institutions to be imposed from abroad." There existed an "interdependence

of all the American republics upon each other" and their existence as republics must severally be bound up with "the continuance of free republican institutions throughout America." Later Mr. Dayton was instructed to inform the French government "that the United States continue to regard Mexico as the theatre of a war which has not yet ended in the subversion of the government long existing there, and with which the United States remain in the relation of peace and sincere friendship; and that for this reason the United States are not now at liberty to consider the question of recognizing a government which, in the further chances of war, may come into its place."

In the House of Representatives Henry Winter Davis reported a resolution on Mexican affairs, which, carried by an affirmative vote of 109, April 4, 1864, left no doubt of the nature of public opinion at the North:

"The Congress of the United States are unwilling by silence to leave the nations of the world under the impression that they are indifferent spectators of the deplorable events now transpiring in the Republic of Mexico; and they therefore think fit to declare that it does not accord with the policy of the United States to acknowledge any monarchical government, erected on the ruins of any republican government in America, under the auspices of any European power."

On receipt of news of the passage of this resolution, the French government promptly inquired of Dayton whether it meant peace or war, but was assured that recognition of a monarchy in Mexico—for meantime Dayton had received his instructions from Seward—rests constitutionally with the executive, and not with Congress; that the resolutions of the House were not law; and that the French government would be duly apprised of any change in the policy of neutrality of the government at Washington. But the secessionists in Europe found occasion for great joy in the possible breach in the peaceful relations between France and the United States.

The House of Representatives had merely put into rather vigorous language the doctrine known as the Monroe Doctrine—a doctrine, which, however vaguely expressed, or loosely defined, at any time by the United States, must be accepted as founded upon that fundamental principle of republican government which Napoleon Bonaparte, through his tool, Maximilian, was exercising all his power to destroy in the neighboring Republic of Mexico. The Richmond government had everything to gain by Napoleon's success in Mexico; the American Nation could not tolerate such an invasion of rights and subversion of principles on the continent. To the end of the French invasion of Mexico, the government at Washington maintained friendly relations with the Mexican Republic, defeated, almost annihilated as it was, and Secretary Seward kept up, as opportunity allowed, his instructions to the American minister in Paris, and through him made known the opinion of the United States that Maximilian's government was temporary and exotic and that the French invasion of Mexico should be brought as soon as possible to a close. As the fortunes of the Confederacy fell lower and lower, rumors multiplied that many of its leaders, both civil and military, were planning to betake themselves to Mexico and, allying with Maximilian, continue the contest—a rumor duly corroborated by the conduct of several Southern generals and politicians.

President Lincoln's attitude toward the Mexican question was clearly defined in his letter of June 27, 1864, accepting the nomination to the presidency. The Baltimore National Convention adopted a resolution in substance like the Henry Winter Davis resolution adopted by the House of Representatives. In approving the resolution of the Convention Lincoln declared that the position of the government in relation to the action of France in Mexico would be faithfully maintained as long as the state of facts left the position pertinent and applicable. There is evidence that a small minority in the Confederate Congress was opposed to foreign intervention in Mexico, on the

general principle of the Monroe Doctrine, but to the end of the Confederacy there continued hope at the South that in some way Maximilian's empire might ally itself with the Confederacy and open the way to recognition of the Confederacy by some European power. The execution of Maximilian by sentence of court-martial, June 19, 1867, was the tragical but inevitable ending of Napoleon the Third's dreams of a French protectorate in America.

The arming of negro soldiers by the government led to serious results affecting the exchange of prisoners. Down to the capture of Fort Donelson the greater number was with the South but that surrender gave the excess to the Union armies. The cartel arranged July 22, 1862, between Generals John A. Dix and A. P. Hill remained in force until December 28th, when, on account of the special proclamation by Jefferson Davis, of the 23d, pronouncing General Butler "a felon deserving punishment" and giving over Butler's officers as robbers and criminals "reserved for execution," Secretary Stanton forbade the further exchange of commissioned officers. In the same proclamation—as already recited, Davis eliminated from the rank of men all negro soldiers captured, decreeing them to such punishment as the several Black Codes of the Southern States prescribed. The Confederate Congress, on May 1, 1863, by joint resolution declared that every white person who was a commissioned officer and in command of negroes or mulattoes in arms against the Confederate States, should, if captured, be put to death, or otherwise punished, as having incited servile insurrection. On May 25th, General Halleck, doubtless moved by this resolution, practically put a stop to the exchange of prisoners and the numbers on both sides began increasing rapidly. The unhappy situation led to much correspondence and recrimination, and it is to this condition of affairs that Davis refers in his message to the Congress of the Confederacy, December 7, 1863: after a brief and acrimonious history of exchanges down to the defeats of Gettysburg and Vicksburg, and blaming the United

States for all delays and causes of complaint, he continues: "No further comment is needed on this subject, but it may be permitted to direct your special attention to the close of the correspondence submitted to you, from which you will perceive that the final proposal made by the enemy, in settlement of all disputes under the cartel is, that we should liberate all prisoners held by us, without the offer to release any of those held by them.

"In the meantime a systematic and concerted effort has been made to quiet the complaints in the United States of those relatives and friends of the prisoners in our hands who are unable to understand why the cartel is not executed in their favor, by the groundless assertion that we are the parties who refuse compliance. Attempts are also made to shield themselves from the execration excited by their own odious treatment of our officers and soldiers now captive in their hands, by mis-statements, such as that the prisoners held by us are deprived of food. To this last accusation the conclusive answer has been made, that, in accordance with our law and the general orders of the department, the rations of the prisoners are precisely the same, in quantity and quality, as those served out to our own gallant soldiers in the field, and which have been found sufficient to support them in their arduous campaign, while it is not pretended by the enemy that they treat prisoners by the same generous rule. By an indulgence, perhaps unprecedented, we have even allowed the prisoners in our hands to be supplied by their friends at home with comforts not enjoyed by the men who captured them in battle. In contrast to this treatment, the most revolting inhumanity has characterized the conduct of the United States towards prisoners held by them. One prominent fact, which admits no denial or palliation, must suffice as a test. The officers of our army, natives of southern and semi-tropical climates, and unprepared for the cold of a northern winter, have been conveyed for imprisonment, during the rigors of the present season, to the most northern and exposed situation that could

be selected by the enemy. There, beyond the reach of comforts, and often even of news from home and family, exposed to the piercing cold of the northern lakes, they are held by men who cannot be ignorant of, even if they do not design, the probable result. How many of our unfortunate friends and comrades, who have passed unscathed through numerous battles, will perish on Johnson's Island, under the cruel trial to which they are subjected, none but the Omniscient can foretell. That they will endure this barbarous treatment with the same stern fortitude they have ever evinced in their country's service, we cannot doubt. But who can be found to believe the assertion that it is our refusal to execute the cartel, and not the malignity of the foe, which has caused the infliction of such intolerable cruelty on our own loved and honored defenders?"

Probably no utterance made by Jefferson Davis seems to a Northern man so hopelessly false, so singularly perverse of the truth. Is it possible to arrive at the truth? There yet survive of the 194,743 Union soldiers confined in Southern prisons, and of the 214,865 Confederate prisoners confined in Northern prisons, during the war, thousands whose memories confute Davis's statement. After much reflection, and a careful reading of a mass of evidence on the whole subject, he who investigates it will return to the chapter on "Prisoners of War," given by Nicolay and Hay, in their *Abraham Lincoln*, as a trustworthy record, based on Southern evidence, which may be set off against the statements by Jefferson Davis in his message above quoted. President Lincoln exhausted the resources of forbearance in the matter of the exchange of prisoners. From the beginning of the exchanges, down to the brutal resolution of the Confederate Congress regulating the treatment of negro soldiers and their officers, if captured, President Lincoln suffered the Confederate authorities to have pretty much their own way in effecting exchanges. He labored to relieve the misery of the situation. But the resolution of the

Confederate Congress and the proclamation of Davis respecting General Butler and other Union officers compelled a halt.

"It will never be known," write Nicolay and Hay, "to what extent the Confederate officers obeyed the horrible instructions of the rebel authorities. Whenever exchanges were asked by the United States agent of exchange, Mr. Ould took a simple and easy way out of the difficulty. He pretended to know nothing about it. He reported his action in this respect to his government in a letter which deserves to be made known, as it preserves in a few lines the moral portrait of this serviceable person. 'As yet, the Federals,' he said, 'do not appear to have found any well-authenticated case of the retention of the negro prisoners. They have made several special inquiries, but in each case there was no record of any such party, and so I responded. Having no special desire to find any such case, it is probable that the same answer will be returned to every such inquiry.' We find, however, in the rebel archives several documents which indicate the commission of revolting crimes upon captured colored soldiers.

"On the 13th of June, 1863, General Kirby Smith, commanding the trans-Mississippi Department, wrote a letter to General Richard Taylor, who commanded in Louisiana, containing these words: 'I have been unofficially informed that some of your troops have captured negroes in arms. I hope this may not be so, and that your subordinates who may have been in command of capturing parties may have recognized the propriety of giving no quarter to armed negroes and their officers. In this way we may be relieved from a disagreeable dilemma.' In an official order, written the same day, he repeated this Draconic injunction, and added that if, unfortunately, any black soldiers should be taken alive, they should not be executed by the military, as that would provoke retaliation, but should be turned over to be dealt with by the civil authorities, to which course, he said, 'no exception can be taken.'

"Hundreds of living men who were acquainted with Generals Smith and Taylor, who have sat at table with them, who have known them as men of sense and refinement, will find it difficult to appreciate the strange mental and moral conditions into which they must have wandered before they could put their hands to propositions so unconsciously fiendish. We have the evidence that Confederate officers of high rank did not scruple to murder negro prisoners, and then lie about it to avoid retaliation. On the 8th of August General George L. Andrews, commanding at Port Hudson, having heard a rumor of the execution of certain colored soldiers near Jackson, interrogated the Confederate Colonel J. L. Logan in regard to it. Logan denied the story, not squarely but evasively, saying, that if done at all, it was without his knowledge or authority, threatening vengeance in case of any severity to his soldiers, and informing Andrews of his intention to place the Union prisoners in his hands in close confinement. The facts, which Andrews was at that time unable to ascertain, were far worse than he suspected. The reports of Colonels John Griffith and Frank Powers show that a squad of negroes in arms was captured at Jackson on the 3d of August. While bringing them into camp, 'four of the negroes attempted to escape' (Colonel Powers reports); 'I ordered the guard to shoot them down; in the confusion the other negroes attempted to escape likewise. I then ordered every one shot, and with my six-shooter assisted in the execution of the order. I believe few escaped, most of them being killed instantly.' There is no tone of any regret or apology in this—both officers are as complacent over their exploit as young hunters talking about a good bag of game. It is hard to enter into the minds of men to whom these things are possible, unless we reflect that an environment of slavery created peculiar ideas of humanity and morals."

The barbarous treatment of negro prisoners, reminding the world of the treatment of captives during the Indian wars, can be explained, if explicable, by the state of mind

into which slavery put the slave owner. Though more shocking, at first thought, than the barbarous treatment of slaves in the cotton belt, already referred to in an earlier chapter, the conduct, in both instances, belongs to the same order of inhumanity, and is chargeable, along with all other accessories, to the crime of slavery. Yet, the Northern man may pause to ask how a government which resolved to arm its slaves in its own defense could countenance such inhumanity, so long as by its own decree it would force its slaves into the ranks, under the stimulus of emancipation,—though this was at last stripped from the law authorizing the arming of slaves—and by so doing put the negro and the white soldier on the same plane. But the murder of a few negro prisoners, atrocious as it was, stirred the North infinitely less—because not generally known—than the treatment of Union prisoners in Libby Prison, in Andersonville, and at Salisbury and Belle Isle. The unquestionable proof from the dead as well as from the living, the unimpeachable evidence of the Confederate archives have settled forever the awful pre-eminence of Andersonville in the horrors of history. General Lee's name is never associated, at the North, with the murder of negro prisoners, but the name of Jefferson Davis is indissolubly associated with Andersonville prison—and the fiercest wish ever uttered at the North respecting him was that he might be imprisoned there and treated as the prisoners were treated. Innumerable books have been written about the war, and the theme will continue to provoke books till the end of time—but no book has been written or can truthfully be written which does not describe Andersonville prison as the supreme cruelty of slavocracy and the Confederacy. The railings of Jefferson Davis in his messages to the Confederate Congress against the “revolting inhumanity” of the United States toward Confederate prisoners at Johnson's Island, in Sandusky Bay,—a prison amidst three hundred acres of dry, healthy surroundings freely open to the prisoners, without peril, the prisoners, never more than 2,500 in number, having substantial

and comfortable buildings and abundant food and fuel—and all under humane surveillance—are accented to the violation of truth in his assertion that "the rations of the prisoners," at Andersonville and other Confederate prisons, "are precisely the same in quantity and quality, as those served out to our own gallant soldiers in the field." The prison-pen at Andersonville, as described by Lieutenant-Colonel D. T. Chandler, special inspector to the Confederate government, was an area enclosed by a stockade fifteen feet high, 540 by 260 yards, with a railing around the inside of the stockade, and about twenty feet from it, constituting the dead-line, beyond which prisoners were forbidden to pass on pain of death; the centre was occupied by a noisome swamp covering three and a half acres, reducing the available area to twenty-three and one-half acres, within which were crammed 35,000 men, giving somewhat less than six square feet to each prisoner. The small stream passing through the enclosure was made unfit for use by the troops of the guard and by the location of baking and cooking houses above the stockade. No protection of any kind was erected for the prisoners and the trees within the enclosure were cut down. The low land within the area became a loathsome marsh; "the ration consisted of a little bacon and unbolted cornmeal, many witnesses testifying that the grain and the cob were ground together. No soap or clothing was ever issued. The death rate increased with appalling rapidity; in March it was 3.7 per cent. a month, in July, 6.3."

But it is inexpedient to push the investigation further or to lay before the reader the awful and revolting truths. The North has not forgotten them, nor can it forget them so long as survivors remain to tell the story of prison life at Andersonville. "No subject," writes the historian Rhodes, "is so difficult of discussion between Southern and Northern men as that suggested by the word 'Andersonville.'" The number of Union soldiers who died in captivity was 30,218; of Confederate soldiers, 25,976. The

mortality at the North was a little over 12 per cent., at the South, 15.5 per cent. Mr. Rhodes's conclusions, which apportion responsibilities and calamities somewhat more evenly than most writers, deserve careful consideration:

"Taking into account the better hospitals, more skilful physicians, the ample supply of medicines and the abundance of food at the North and the exceptionally high death-rate at Andersonville, Florence and Salisbury one might have expected a greater difference, which would probably be the case were all the deaths in the Confederacy known. Still it should be remembered that as the Southern summer bore hardly on the Union prisoners so did the Northern winter increase the mortality of the Confederates as the number of deaths from pneumonia bear witness. All things considered the statistics show no reason why the North should reproach the South. If we add to one side of the account the refusal to exchange the prisoners and the greater resources, and to the other the distress of the Confederacy the balance struck will not be far from even. Certain it is that no deliberate intention existed either in Richmond or Washington to inflict suffering on captives more than inevitably accompanied their confinement. Rather than to charge either section with inhumanity, it were truer to lay the burden on war."

This is a lame and impotent conclusion and can find slight basis in the facts. The whole body of testimony, Confederate as well as Union, refutes the desirable assertion that the Confederacy made any attempt to treat its prisoners humanely. Stonewall Jackson's counsel at the beginning of the war that no prisoners should be taken—and Jackson was a profoundly religious man—finds expression all over the South and at all times during the war. The North treated Confederate prisoners as human beings in temporary confinement, gave them adequate medical attention, and ample supplies of food, fuel and clothing. The Confederacy did nothing of the kind, but treated the prisoners from first to last as creatures to be exterminated at the least trouble

and expense. That thousands of Southern men died of pneumonia in Northern prisons, is true, but the North tried to save their lives; the Confederacy made no effort whatever to save the lives of its prisoners. There is, in truth, no adequate basis of comparison between Northern prisons and Southern prisons because the motives and purposes of North and South in the confinement and treatment of prisoners were incompatible: the North desiring to save life, the South, to destroy it. Had Andersonville been constructed, located, administered precisely as was the prison at Johnson's Island, such conclusions as Mr. Rhodes reaches would be logical; but unfortunately for the historian, the chapters which must be written on prisoners of war cannot be based upon any such data—of equal efficiency of equipment, equal chance for life, equal purpose and motive for humane treatment of prisoners. It would have been one redeeming element of glory to the perpetual fame of the Confederacy had it treated Union prisoners even with the humanity possible amidst its most terrible "distress." No man brought before the tribunal of Justice can plead his own crimes in extenuation of his inhumanity.

Gettysburg and Vicksburg should have ended the war, but the struggle went on. General Lee retreated into winter quarters in Virginia and General Meade slowly followed him and took position along the Rapidan. The winter was passed in manœuvres which seemed at the North singularly suggestive of McClellan's, but the conclusion of the whole was favorable to Meade; if the result of this ceaseless skirmishing and minor engagements was less startling, it remained a steady gain for the National cause: General Lee was unable to do more than to keep on the general defensive. This was due in part to the weakening of his army by the detachment of Longstreet's corps to Tennessee to reinforce General Bragg who was attempting to drive Rosecrans out of the State. On September 19th Bragg began the attack and the battle of Chickamauga, which was mainly fought the next day. Rosecrans was put to

rout, retreating to Chattanooga. The left wing was under General George H. Thomas who all the afternoon held back 50,000 Confederates, elated with victory, with half the number. From that day Thomas is known as the "Rock of Chickamauga." Bragg quickly invested Chattanooga and with every prospect of its speedy capture. The government hurried reinforcements to Rosecrans from the Army of the Potomac, under General Hooker. On the 16th, Lincoln placed General Grant in supreme command of the armies in the West, excepting Banks's army below Vicksburg. He immediately relieved Rosecrans of command and appointed Thomas in his place: one of the appointments of critical importance in the history of the country, for it brought a great man to a great service to his country. Thomas's position was full of perils, but he telegraphed Grant: "We will hold the town till we starve." But Thomas had no intention of starving. On October 23d Grant arrived at Chattanooga; General Sherman and his corps reached there after a toilsome journey from Vicksburg, November 15th. There followed, ten days later, the most dramatic, and one of the most important battles of the war—Lookout Mountain, "the battle above the clouds." It was a soldiers' victory, for the men took the initiative, swept up the mountain side and vanquished the Confederates at the point of the bayonet. The battle put an end to Confederate supremacy in East Tennessee.

Politics at the North had become defined, from the outbreak of the war, as for Lincoln or against Lincoln: as in support of the government or in attack of its policy. An acute stage was reached during the summer of 1863. Mr. Vallandigham, conveyed by Lincoln's orders through the lines to the Confederacy was pleased to consider himself both a martyr and a prisoner of war and as such surrendered himself and kept up the fiction during his brief residence at Richmond. Running the blockade he escaped to Canada and made headquarters near Niagara Falls, whence he issued addresses to his former fellow-citizens and

still active sympathizers, appealing to the Democratic party to vindicate him. This the Ohio Democracy proceeded to attempt to do by nominating him for governor, against John Brough, a war Democrat, the candidate of the Union party. The issue was the government or the Rebellion; the Nation or the Confederacy—and, in Ohio, Lincoln or Vallandigham. The canvass was exciting and bitter and ended with the election of Brough by a majority of 101,000 votes. This unprecedented defeat persuaded Mr. Vallandigham of the prudence of remaining "an exile and a martyr," and he continued his residence outside of the jurisdiction of the United States, writing ceaseless letters and appeals to his fellow-countrymen under "the tyranny of the dictator, Lincoln," till in June, 1864, he slipped over the border and reappeared in Ohio. The government ignored him. He began a series of speeches more violent than those for which he had been arrested; defying the government and exerting himself to awaken hostility to the administration. He was not disturbed, as his violent harangues overreached their mark and helped the cause he attacked. The climax of his service to the Nation was as a delegate to the National Democratic Convention at Chicago "where he rendered valuable service to the Union party as chairman of the Committee on Resolutions, and offered the motion that the nomination of General McClellan should be made unanimous."

On September 15th, the president suspended, by proclamation, the privilege of the writ of habeas corpus throughout the United States, chiefly because the courts, by construction, were in many places defeating the draft under the Conscription Act. Lincoln's understanding of his duty under the Constitution, with respect to this writ, has already been given in his own words. On October 17th, he called for 300,000 troops for three years, and ordered a draft, to commence January 5, 1864, to fill out the State quotas. Another call, February 1, 1864, made the aggregate 500,000 and in response 369,380 men were furnished.

It was during September, 1863, that a Russian fleet of war vessels arrived off New York City. The officers were received with great hospitality both by the city and the authorities at Washington. The visit was given great political significance at the time. To what extent it should be interpreted as indicative of the ultimate purpose of the Russian government, as a definition of international policy, has been variously conjectured: but public opinion at the North was prompt to read in the visit of the fleet the friendly wishes of the Russian government for the success of the National cause and a distinct notice to the world that foreign intervention would not be tolerated. Contemporaneous thought at the North easily lent itself to the conviction that Russia, cognizant of the unfriendly attitude of England toward the North, and being the traditional enemy of England, had sent her fleet to American waters as a visible exposition of the policy which she had determined to pursue. The subsequent purchase of Alaska from Russia has seemed to the American public a corroboration of some understanding between Russia and the United States during the Civil War. Perhaps the significance of the visit of the fleet might have been less cheering had it anchored off a Southern port, in which case, doubtless, Jefferson Davis would have speedily discovered a true exposition "of the authoritative declaration of the maritime rights of neutrals made at Paris, in 1856."

When Congress assembled, in December, the situation of the country was in notable contrast to that of the year before. The president's message has a confident, resonant tone; things are going right; the Emancipation Proclamation is working well; Gettysburg and Vicksburg have been fought and won; the National party at the North has been triumphant at the polls and the administration has a powerful majority in both branches of Congress. European governments, whose action was doubtful in 1862, have declared themselves and the Nation has nothing to fear from other nations. Despite the burdens, the losses, the

sufferings of war, the country is prosperous and no longer doubtful of the result of the war. The war was popular at the North and men in countless numbers were willing to enlist to bring it to a speedy close. Lincoln knew that he had the Nation at his back, and yet, no utterance could be more modest, more considerate, more deferential to the Power that sways the destinies of nations than his message to Congress. All classes at the North supported him: he was the Nation's man and the Nation recognized its own.

Response to his policy was immediate and adequate; Congress put the resources of the Nation into his hands. The public debt had reached the enormous aggregate of \$1,099,-000, but public credit had steadily improved. A new and more productive tariff act was passed, and a new and more productive income tax, reaching down to incomes of over \$600. The secretary of the treasury was empowered to borrow \$400,000,000 by issuing six per cent. bonds; of the total, he might raise \$200,000,000 by selling legal-tender interest-bearing treasury notes; but the entire issue of "greenbacks"—that is, treasury notes not bearing interest, was limited by the act to \$400,000,000.

Of greatest significance, was the industrial condition of the country at the close of the third year of the war. When the conflict began, the North had to purchase military supplies in Europe. Secretary Stanton was able to report, in December, 1863: "Now all these things are manufactured at home, and we are independent of foreign countries, not only for the manufactures, but also for the materials of which they are composed."

The North was prosperous. The vast armies in the field must be fed and clothed and the vaster army of men at the North engaged in manufacturing supplies must also be clothed and fed. The result was a sudden and unparalleled stimulus to agriculture. Farm produce sold for more than ever before realized at the North, and farmers and mechanics accepted the paper money of the government at par; practically a treasury note of one dollar worked as effectively

as a gold dollar. No loyal Northern man doubted the credit and solvency of the government, and malcontents and opponents of the administration did not refuse to participate in the general prosperity. Many a man north of Mason and Dixon's line who spent his breath in condemnation of Lincoln and the war threw his energies into manufacturing supplies for the army and reaped a fortune. It is not of record that a single "Copperhead" consciously rejected an army contract.

Nor was the strength of the North confined to the manufacture of military supplies; the demand for food and clothing, for medicine, for books, magazines, newspapers, for innumerable articles of comfort and almost as many articles of luxury, set up activity all along the line, and improvements were the cry of the hour. Farm implements in use in 1860 were quickly discarded as cumbersome, unsuitable, ineffective. New patterns of plows, harrows, mowing and harvesting machines, reapers and binders, drags, threshing machines, farm wagons, and tools of all kinds flooded the market. Hand labor was going out and machine labor was coming in: the North was in a stage of industrial transition. The enlistment of men in the Union armies robbed the farms of labor and machinery was invented to take its place. Wheat, the great food staple of the North, rose in price six hundred per cent.; the women went into the fields, rode the reaper and binder and superintended the threshing of the grain and getting it to market. Many a farm was bought, many a mortgage paid off with money earned under the expanded industry of the times.

The North was singularly alive: nothing escaped it—either in grief or joy, in sorrow or in amusement. The churches and the theatres were alike crowded. The daily paper sprang into life; everybody was demanding the latest news, and for the first time the newspapers were sold on trains and steamboats and gained a circulation far beyond the local centre at which they were printed. Forms of amusement of every sort were devised: the people, strained

to the limit of their strength, in their anxiety for fathers, brothers and sons at the front, sought solace in lectures, plays, and shows of every description. Every loyal family was a depot for news from the front; letters were ever coming and going, and the last from the soldier boy was given from hand to hand till all had read it—or it was printed in the local paper for the general edification. The habit of subscribing to illustrated papers began, and every well-to-do family followed the scenes of the war in *Harper's Weekly*. Mothers and daughters made delicacies for sick soldiers, on furlough, in the hospital, at the front. The children helped to pack the box which should be sent to father, brother, son, uncle, somewhere far away on the field of battle: tea, sugar, postage-stamps, medicine, books, boots, stockings, stationery, ambrotypes, tin-types, photographs, keepsakes. It was a wonderful box and carried a greater wealth of affection than could be stored in the whole world. And deeper than all was the sympathy and good will which the war called forth at the North: it unified the Nation, it created the American spirit, it discovered the national character. And trains were coming and going, bearing away the flower of youth and bringing the wounded, the dead, and them to whom death would be a release—the spectres and wrecks from Libby Prison and Andersonville.

In the history of nations great events stand out like mountain peaks. The great event of the third year of the war was the Emancipation Proclamation with which the new year opened, but that event, whose significance is yet with us and must continue to the end of time, derives additional meaning from the interpretation which its author later in the year, on a solemn occasion, put upon the war. The world remembers nothing that was said anywhere, at any time, by any person, in extenuation of the Confederacy, but it can never forget what Lincoln said at Gettysburg, at the dedication of a portion of the battlefield, as a National Cemetery, November 19, 1863, in defence and interpretation of the Nation:

"Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting-place for those who here gave their lives that the nation might live. It is altogether fitting and proper that we should do this. But, in a larger sense, we cannot dedicate—we cannot consecrate—this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember, what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth."

CHAPTER VII

THE FOURTH YEAR OF THE WAR

IN his message to the Confederate Congress, December 7, 1863, Jefferson Davis remonstrated against the "illegal, Federal paper blockade" of nearly 3000 miles of Confederate coast, remarking on "the absurdity of the pretension" of enforcing such a blockade "with a navy of twenty-four vessels of all classes in commission, of which one-half were in distant seas." President Lincoln, in his message to Congress, December 8, 1863, remarked on the blockade:

"The extensive blockade has been constantly increasing in efficiency, as the navy has expanded; yet on so long a line it has so far been impossible to entirely suppress illicit trade. From returns received at the Navy Department, it appears that more than 1000 vessels have been captured since the blockade was instituted, and that the value of prizes already sent in for adjudication amounts to over \$13,000,000. The naval force of the United States consists at this time of 588 vessels, completed and in course of completion, and of these, 75 are iron-clad or armored steamers. The events of the war give an increased interest and importance to the navy which will probably extend beyond the war itself. The armored vessels in our navy, completed and in service, or which are under contract and approaching completion, are believed to exceed in number those of any other power. But while these may be relied upon for harbor defense and coast service, others of greater strength and capacity will be

necessary for cruising purposes, and to maintain our rightful position on the ocean."

The extraordinary growth of the navy during the war, and especially during the first three years, exemplified the capacity and adaptability of the American people to the demands of a great emergency. When Lincoln was inaugurated there were only about twenty-four serviceable vessels, propelled by steam power, in the navy, and thirteen of these were "on distant foreign stations." The Confederacy had no navy, its fleet consisting of a few harbor vessels which it seized at convenience at the opening of the war. Industrial conditions favored the North and the government immediately began the construction of warships, of varying power, capacity, style and speed, both in the navy yards and by contract with private builders. The *Monitor* was early designed and completed, and its achievement may be said to have compelled a change in naval architecture throughout the world. Foreign powers distrusted the capacity of the United States to construct or to obtain an adequate navy, even for maintaining the blockade, and heard with incredulity of the building of warships in ninety days from the laying of the keel, and the transformation of commercial craft into effective fighting ships for blockade purposes.

Despite the assertions of the Confederate president, the blockade was effective and after the middle of July, 1861, became an ever sterner reality to the South. Whether to declare a blockade or the closing of the Confederate ports was carefully considered by President Lincoln. A proclamation of blockade was, in international law, a quasi recognition of belligerent rights in the Confederacy; but to close port after port by executive authority, though free from the suggestion of any recognition of the Confederacy, would be confusing to foreign powers, would be likely to involve the United States in difficulties with them, and was therefore not adopted as a policy: the Government preferring the consequences of a system of blockade and the operation of international law as to the rights and duties of neutral

nations. The Confederates with all speed utilized the interim between the announcement of the blockade in April and its practical enforcement by mid-July, 1861, to dispose of its cotton and other marketable products, abroad, and also to equip privateers and blockade runners. They transformed a screw steamer, of 500 tons, in the passenger service between New Orleans and Havana, into the *Sumter*, armed her with five guns, got her through the blockade, late in June, and began capturing and burning American merchantmen, at which she was highly successful for six months, till taking refuge off Gibraltar and there watched by United States warships, the Confederate authorities, concluding that her course was run, disposed of her by sale. The *Savannah*, another extemporized privateer, of fifty-three tons burden, getting out to sea early in June began giving chase to merchantmen, but mistaking the brig-of-war *Perry* for one, was by her overhauled, captured and the crew put in confinement and soon after indicted for piracy, but after the disagreement of the jury, remanded to prison, but later exchanged. The effective Confederate navy comprised the scattered warships built in England, as the *Alabama*, *Florida*, and others, which speedily won the notoriety of commerce destroyers, and whose depredations were the sufficient cause for the subsequent award, by the Geneva Court of Arbitration, of \$15,500,000 to the United States for damages done to American commerce by English-built Confederate cruisers. The South had poor facilities for building warships. The *Merrimac* must take rank as a most powerful naval weapon, but she was early put out of service. Keels of warships were laid at New Orleans, at Charleston, at Nørfolk, and at Richmond, the Tredegar Iron Works near the latter being the chief manufactory of plate iron—but the supply of iron was scarce, the machinery slight and antiquated and the finished plate inferior in quality. Excepting the *Merrimac*, the projected members of a Confederate fleet were unfinished, due, principally, to the blockade, the early capture of the Confederate ports and the scarcity of material and skilled labor.

At the North both skilled labor and material were abundant and the United States, which at the outbreak of the Rebellion had a feeble navy, created, during the first three years of the war, one of the most powerful navies in the world. Lincoln's remark that "the events of the war give an increased interest and importance to the navy which will probably extend beyond the war itself," and that "armored vessels—of greater strength and capacity will be necessary for cruising purposes, and to maintain our rightful position on the ocean" discloses his statesmanship in the light of the naval history of the United States in later years.

In the spring of 1861, the number of seamen in the public service was 7,500; at the close of 1863, it was 34,000. The navy bore no conspicuous part in the attempted relief or the brief defense of Fort Sumter; its services on the Atlantic coast may be said to begin with the reinforcement of Fort Pickens, under the immediate direction of President Lincoln, and effected through the services of Commandant, afterward Rear Admiral, Andrew H. Foote, of fame in the campaign culminating in the surrender of Fort Donelson, Lieutenant, afterward Admiral, D. D. Porter, Captain, afterward General, M. C. Meigs, and others, who, with the warship *Powhatan*, the transport *Atlantic*, the merchant steamer *Illinois*, and the *Wyandotte* succeeded, during the first two weeks of April, 1861, in reaching Fort Pickens from New York, bringing reinforcements, and saving that most important station and strategic point to the United States. During the summer of the same year Flag-Officer, afterward Rear Admiral, Silas H. Stringham, sailing from Fort Monroe in command of five war steamers and two transports, August 26th, with eight hundred troops, under Major-General B. F. Butler, proceeded down the coast, captured Forts Clark and Hatteras and made the blockade of the North Carolina coast effective. Captain, afterward Admiral, Du Pont, with fourteen war steamers, left Fort Monroe, October 29th, entered Port Royal Sound and on the 7th of November captured Forts Beauregard and

Walker, the eastern portion of South Carolina thus coming again under the National flag. The acquisition of Port Royal, the finest harbor at the South, gave into National control the sea-island cotton region. At the coming of Du Pont's fleet the Confederate population fled, leaving only the negroes in possession of the region. During the first half of 1863, Charleston, South Carolina, was the objective of the Union fleet under Du Pont but the city was not taken. The Confederate warships and iron-clads rendered effective service during the siege and frequent bombardments. Admiral Du Pont and General Hunter were to co-operate against Charleston; the failure of the attempt led to their being relieved of their commands. "The campaign of the Bayous", during January-May, was preliminary to the fall of Vicksburg and was shared almost equally by the army and navy, "Uncle Sam's web-feet," as Lincoln called the supporting fleet, being under the command of Admiral Porter. The naval operations in the Yazoo Pass, and here and there through the innumerable bayous of western Mississippi, were novel in character, and notable examples of the practical ingenuity of the officers and seamen, perhaps unsurpassed in the history of the navy. Admiral Porter co-operated with Grant effectively throughout the entire Mississippi campaign—the running of the Vicksburg batteries being among the boldest deeds of the war. The North had not forgotten Fort Sumter and its recapture became from its fall one of the steady purposes of the government. Admiral John A. Dahlgren acceded to the command of the fleet early in July, 1863, and a plan for the reduction of Fort Sumter was formulated in co-operation with General Q. A. Gillmore. In the assault on Fort Wagner, July 18th, Robert George Shaw, Colonel of the Fifty-fourth Regiment Massachusetts Volunteers (colored) was killed at the head of his troops. To the request of his friends for his remains, the Confederates replied that they "had buried him under a layer of his niggers." The fort was at last taken by assault on September 6th, by Gillmore's

troops. The fleet reduced Fort Sumter to a heap of ruins but was unable to silence the forts in the harbor, and in consequence, unable to capture Charleston.

During the summer of 1863 the known character of the schemes of Napoleon III to establish a French protectorate in Mexico caused President Lincoln to attempt the restoration of National authority on the coast of Texas in order that Maximilian, on his arrival in his new empire, might not mistake the authority north of the Rio Grande. This desire of the president led to a joint expedition, under General Banks and Admiral Porter, known as the Red River expedition. In March bad news began to reach Lincoln and he apprehended disaster. At Sabine Cross, April 7th, the Union army was thoroughly defeated. The fleet, with great effort, succeeded in getting up the Red River as far as Springfield Landing, but receiving news of the disaster at Sabine Cross Roads, immediately started down the river, fighting continuously, as the banks were well lined with Confederate batteries. Admiral Porter succeeded in bringing most of his fleet to Alexandria, losing the *Eastport*, and finding that the water in the river was rapidly falling, the channel in the shallowest parts not exceeding four feet in depth. For the fleet to await, indefinitely, the rise of the river meant its probable destruction, and yet there seemed no escape. At this critical moment the man equal to the emergency came forward—Lieutenant-Colonel Joseph Bailey of the Fourth Wisconsin, who was chief engineer on General Franklin's staff. He proposed to build a dam to raise the water, and when sufficient water had been stored, to break the dam and thus enable the fleet to escape. Admiral Porter derided the project; General Franklin approved it. Colonel Bailey began on April 30th, the building of a dam 758 feet wide, at a point where the river had a fall of six feet, and it was necessary to raise the level of the river seven feet to save the fleet. The whole army turned in to help and the dam was completed in nine days. All the vessels were saved. No like piece of

engineering skill is recorded in military annals. Congress on June 11, 1864, thanked Colonel Bailey "for distinguished services, by which the gunboat flotilla was rescued from imminent peril." The Red River expedition resulted in lamentable failure: its one brilliant episode was the engineering feat by which the fleet was rescued.

On February 29, 1864, Congress revived the grade of lieutenant-general and authorized the president to appoint that officer, by and with the consent of the Senate, to be under the direction of the president, to serve during his pleasure and "to command the armies of the United States." Grant's victories in the Mississippi Valley and the recognized necessities of the hour wrote this law. It was enacted with common understanding who would be appointed. Lincoln nominated Grant general-in-chief, immediately upon signing the bill. This, the highest rank in the military service of the United States, lieutenant-general, was held by Washington, shortly before his death, during the imminence of war with France, and by General Scott, by brevet. As has been said by many writers, Grant may not have been the ablest but he was the most fortunate general of the war. The nomination was confirmed March 3d, and next day Grant started for Washington, writing, the night before, a characteristic letter to General Sherman:

"I start in the morning to comply with the order. . . . While I have been eminently successful in this war, in at least gaining the confidence of the public, no one feels more than I how much of this success is due to the energy, skill, and the harmonious putting forth of that energy and skill, of those whom it has been my good fortune to have occupying subordinate positions under me. There are many officers to whom these remarks are applicable to a greater or less degree, proportionate to their ability as soldiers, but what I want is to express my thanks to you and McPherson as the men to whom, above all others, I feel indebted for whatever I have had of success. How far your advice and suggestions have been of assistance you know. How far

your execution of whatever has been given you to do entitles you to the reward I am receiving you cannot know as well as I do. I feel all the gratitude this letter would express, giving it the most flattering construction. The word *YOU* I use in the plural, intending it for McPherson also."

"This letter," remark Nicolay and Hay, "was as unique as it was admirable, for Grant wrote in this strain to no one else in the world. There seemed no room in his heart for more than two such friends. When McPherson died in the flower of his young manhood, Sheridan took the vacant place in the confidence and affection of his great chief, where he and Sherman remained ever after without rivals."

Sherman replied in similar strain. Grant had told Sherman that he did not intend to make Washington his headquarters—a conclusion which Sherman now heartily approved. On the 8th, Lincoln formally conferred and Grant accepted the command. General Grant inquired, so Secretary Welles records, what service was expected of him and Lincoln replied, to take Richmond, asking him if he could do it. Grant replied that he could if he had troops enough. These Lincoln promised. On the 10th, Grant visited General Meade, whose headquarters were at Brandy Station. Meade expressed willingness to retire if Grant desired, intimating that he might wish to put Sherman in command of the Army of the Potomac; but Grant wished no change and thought that Sherman's place was in the West. He had left the West fully imbued with the idea that the war must be directed from there; he returned to the West convinced that his place was with the Army of the Potomac. He had decided on an aggressive campaign all along the military line. At his request, Sherman was appointed to succeed him as commander of the Military Division of the Mississippi; Sherman was succeeded by McPherson, as commander of the Army of the Tennessee, and Logan succeeded McPherson. These changes effected, and after a conference with Sherman, Grant returned to Washington. On the 1st of April he had established his

headquarters, with the Army of the Potomac, at Culpepper Court House.

About the time of these changes, though somewhat earlier, Jefferson Davis supplanted General Bragg, placing, December 20, 1863, General Joseph E. Johnston in command of the Confederate armies in the West. Sherman's appointment brought him against Johnston, a soldier of the first rank; the North looked to Grant to overmatch General Lee and was confident that the downfall of the Confederacy was now assured. Certain it is that a new era dawned with the coming of Grant to the chief command; all that had gone before had been preliminary skirmishing for the conclusion at arms. "I contend, and have contended with European officers of world-wide fame," wrote General Sherman, twenty years after the war, "that the military profession of America was not responsible for the loose preliminary operations of 1862, and that it was not till after both Gettysburg and Vicksburg that the war professionally began. Then our men had learned in the dearest school of earth the simple lesson of war. Then we had brigades, divisions, and corps which could be handled professionally, and it was then that we as professional soldiers could rightfully be held to a just responsibility." Critics of Lincoln admit that after Grant's appointment as general-in-chief, the president did not "interfere" with military operations in the field; and they contend that had McClellan been let alone as was Grant, to form his own plans, and given adequate support in the execution of them, McClellan would have brought the war to an end quite as soon. Perhaps the answer to this was given by the shrewd Yankee who when told that McClellan had been nominated for the presidency by the Democrats, against Lincoln, on the platform "the war is a failure," remarked, "No, that can't be; 'twas McClellan."

When Grant began final operations, in his general orders of January 27, 1864, his plan was both vast and simple: himself, with the Army of the Potomac to vanquish Lee;

Sherman, with the Army of the West (Mississippi) to vanquish Johnston; Richmond must be taken in the East, Atlanta in the West. For the one, he had an army of 122,000 against Lee's 62,000; Sherman, an army of 98,797 and 254 guns (the Army of the Cumberland, under Thomas, 60,773; the Army of the Ohio, under Schofield, 13,559; the Army of the Tennessee, under McPherson) against Johnston's army of 68,620.

Grant's army though outnumbering Lee's two to one was not twice as effective, nor could it be handled twice as effectively; General Lee was on the defensive, on his native soil, familiar with the topography of the country, all of which had to be learned by Grant. Both armies were of veterans. Grant summoned Sheridan from the West to take command of the cavalry: it was Sheridan who had rushed at the head of the columns that broke over Missionary Ridge. Grant had witnessed that charge; he needed Sheridan East. All his general officers were tried and experienced men: Barlow, Crawford, Birney, Humphreys, Getty, Gregg, Gibbon, Willcox, J. H. Wilson, Griffith, Wadsworth and Sedgwick, both destined to early death, Parke and Ricketts. General Lee also had subordinates as worthy of fame as Napoleon's marshals: A. P. Hill, J. E. B. Stuart, in command of the cavalry and destined to an early death, Hampton, Gordon, Rhodes, Ramseur, Heth, Edward Johnson and the two younger Lees.

The 4th of May marked the beginning of the end, for on that day the Army of the Potomac began its march towards Richmond. For three weeks there followed continuous fighting—the battles in the Wilderness. Grant records: "More desperate fighting has not been witnessed on this continent than that of the 5th and 6th of May." He lost 37,737 men; Lee, 11,400. At Spottsylvania, the loss was 26,461; Lee's, 9,000; at Cold Harbor, during the first eleven days of June, the loss was 14,931; Lee's, 1,700; at Petersburg, June 15th-19th, 10,586; Lee's, unknown. Despite the fearful cost, Grant never fell back. Amidst

the desperate struggle his report came clear, confident, encouraging to Lincoln, as the despatch of May 11th, to Halleck: "We have now ended the sixth day of very heavy fighting . . . I propose to fight it out on this line if it takes all summer." It reminded the country of "no terms but unconditional surrender" and the fall of Fort Donelson. Every foot of the ground over which the Union soldiers advanced was a Confederate stronghold, and much of the country was in a state of fortification; the Confederates fought behind breastworks; the only recourse for Grant was assault or "forward by the right flank." His plan was simple but supremely costly—to wear out Lee's army by attrition, regardless of consequences. The Army of the Potomac, all these days, was fighting over ground some of which it had occupied under McClellan. Grant's military critics find much in his tactics to complain of—and chiefly, the enormous sacrifice of life which his advance cost: thus, in six weeks, May 4th to June 12th, from the Rapidan to the James, he lost 54,929, or a number nearly equal to Lee's effective army. Critics of Grant compare this march with McClellan's to the advantage of the latter: but they forget that McClellan missed the whole point of the war and Grant never for a moment forgot it: the destruction of the Confederacy—which meant the destruction of Lee's army. These critics neglect to add the tables of losses of the Army of the Potomac before Grant took command, and while that army was operating in Virginia: the discrepancy between his losses in aggressive fighting and his losses in ineffective retreating does not weaken his claims to generalship. It is one of the foibles of mankind to remember the losses of the Grants and to forget the losses of the McClellans in every field of activity.

In the West, Sherman began the campaign punctually at the appointed time, May 6th, advancing from Chattanooga toward Atlanta. General Johnston had no moral support in Jefferson Davis, the Confederate president having an antipathy for Johnston, which feeling was warmly reciprocated;

neither did Johnston have subordinate officers of the ability of Thomas, McPherson or Schofield. Johnston evacuated Dalton, his headquarters, May 12th, and from this time there was continuous skirmishing and fighting. Defeated at Resaca on the 14th, Johnston withdrew, crossed the river and was pursued by Sherman. This wonderful soldier was in his element amidst obstacles. A single track railroad running down from Chattanooga kept his army in supplies, and Johnston having destroyed bridges, torn up the rails and destroyed what rolling stock fell into his hands as he fell back southward along the line, Sherman's men with amazing speed reconstructed the road so that train service was kept up without interruption. Such industrial efficiency was impossible in a slavocracy: only an army composed of mechanics and skilled workingmen could have accomplished it. Sherman's telegrams to Grant tell the story, in detail, of his long contest with Johnston. At Kennesaw Mountain, Johnston's position was impregnable. Sherman ordered an assault, June 13th: he was repulsed, losing 3,000 men; Johnston, 800. General Thomas thought the assault useless, and the world has learned to rank Thomas among the great soldiers of the nineteenth century. When Sherman came within sight of Atlanta, June 10th, he had lost 16,800 men; Johnston, 14,500.

On the 17th, Johnston was suddenly relieved of the command, under the charge that he had failed to arrest Sherman's advance, and General Hood was placed in command. General Hood requested Johnston to retain command until the fate of Atlanta was decided; Johnston refused the singular request; Hood and several general officers then joined in a request of like import to Jefferson Davis, but the president refused to entertain it. No military blunder of Jefferson Davis surpassed this removal of Johnston; it was equivalent to heavy Union reinforcements; even worse, for the Confederacy, for it deprived its Western Army of the direction of a great soldier. On the 23d McPherson was killed—the greatest individual and personal loss the Army

of the West suffered throughout the final campaign. General John A. Logan was at once appointed in McPherson's place, in temporary command; the permanent appointee was General O. O. Howard. All summer long the conflict raged about Atlanta. Sherman succeeded in cutting off the city's communications and in repulsing the Confederates: on September 3d, the city fell into his hands. "Since the 5th of May," so ran his report, "we have been in one constant battle or skirmish, and need rest." The fall of Atlanta was the knell of the Confederacy in the West. President Lincoln uttered the thanks of the Nation, in a general order to Sherman and his officers and army, and Grant, on receipt of the news of the surrender, "ordered a salute to be fired with shotted guns from every battery bearing upon the enemy."

While Sherman was operating near Atlanta, the Army of the Potomac had been equally active. But wherever Grant turned he found a waiting enemy. Finally, one phase of the contest culminated: the struggle for the control of the Shenandoah Valley. This was one of the chief sources of supply for Lee's army and the struggle for its control rested with Generals Early and Sheridan. Winchester was fought September 19th and Sheridan, the victor, was rewarded by an appointment as brigadier-general in the regular army. He had put an end to Early's raids toward Washington. The victory of Fisher's Hill followed three days later. At Cedar Creek, October 19th, Sheridan won perhaps the most brilliant battle of the whole war; he changed defeat into victory and so defeated Early's force that it never again counted as an important contingent in the war. Despite these brilliant victories, Lee seemed still impregnable. He maintained his communications with all his bases of supply—chiefly in the middle and lower South, and stubbornly resisted Grant's attacks. These had for one of their immediate objectives Lee's lines of supply; to accomplish this he must get south of Richmond. If Petersburg were taken, but one railroad would be left

to serve the Confederacy—the Richmond and Danville. Petersburg “was a place of the utmost importance, nothing less than an outlying bastion of Richmond, whose possession by the National troops made the tenure of the rebel capital impossible.” Speaking of the work done here, Nicolay and Hay write:

“The Army of the Potomac was exhausted by its incessant and protracted exertions. Its long and arduous marches; its daily assaults upon an intrenched enemy, defended by entanglements in front and guarded by powerful artillery; its heavy losses in brave and experienced officers and veteran soldiers, unrelieved by any decided success, had begun to have their effect not only on the strength but on the spirit of even that brave and patient army. It was time to put them also behind intrenchments, to give them some rest and protection. General Grant determined to invest Petersburg by a line of intrenchments, which might be held by a part of his troops, leaving the rest free for whatever movements might be required.” The cavalry, both Union and Confederate, were on constant raids. Grant’s losses down to the 1st of July were about 50,000; the Army of the James, 7,000; the missing, about 11,400 more. This appalling rate could not be kept up long. Grant’s critics at the North began talking loudly of his inactivity, save in sacrificing soldiers. General Lee who estimated Grant more correctly than did his Northern critics saw the perils to the Confederacy if Petersburg should be taken, and resolved to threaten Washington, but Grant was not to be swerved from his purpose. The Confederate foray failed. Lee had doubted all along whether he could distract Grant from his purpose. The most noteworthy incident in the siege of Petersburg was the construction and explosion of the mine by which it was planned access could be had, by assault, to the crest of Cemetery Hill, overlooking the fortifications. It was a failure and the mutual blame resulted in much Congressional investigation, charges and countercharges, which continued long after the war. General Ambrose E.

Burnside was the most conspicuous victim of the disaster, his military career being brought to a close, that day, through charges of insubordination and failure to attack, brought against him by General Meade.

The worst feature brought to light by the ceaseless fighting about Petersburg was the lowering tone of the Union army. The raw troops were not so efficient—their quality as men not so high as that of the veterans who had fallen; the recruits obtained by the draft were, in the aggregate, inferior men to the original body of the Army of the Potomac. The situation was never more critical; the professionalism never more exacting, but the fighting capacity of the army was diminishing. To remedy this the officers began systematic drilling of troops, which continued all winter long. Grant was re-creating his army.

Meanwhile politics was dividing sentiment at the North: the year 1864 was a presidential year; a successor to Abraham Lincoln must be chosen. There were two political parties and several political factions at the North: the Republican, or Union party, which had elected Lincoln president and had sustained his administration; the Democratic party, which adhered to its traditions, and which claimed to be a Union party but was opposed to Lincoln's administration of the government; the Radicals who demanded more aggressive warfare against the Confederacy; the Copperheads who sympathized with the Confederacy.

Within the Republican organization, criticism of the administration centred about and largely originated with Salmon P. Chase, the secretary of the treasury, whose political ambition was towering, whose political sagacity was weak. His restless nature could not be satisfied, but he had a genius for lending his name and influence to Lincoln's detractors; his private letters are long chapters in the literature of political intrigue against his chief. Of the secretary's true attitude toward him, the president had perfect knowledge: but Lincoln, adhering strictly to the principle which regulated his life, measured Chase by his public

service and refused to suffer the secretary's political conduct to influence him. A president less devoted to the general welfare would not have retained Chase in the Cabinet; but Lincoln bore with him because he believed no other man could better serve the public at the head of the Treasury Department. Chase's political affiliations were with the political malcontents all over the country. He had a proclivity for correspondence and divulged his criticisms of the administration to all sorts of people. Every public man in America receives innumerable letters, most of which are of no importance: Chase interpreted his voluminous mail as the sign of his popularity and of a popular demand that he be willing to be elected president. Of the many eminent Americans who at one time or another have "been stung by the presidential bee", Chase remains, thus far, the most conspicuous victim. All through the autumn and early winter of 1863, Chase fancied that he was intrenching himself in the hearts of the people, and in May, of the following year, one of his political lieutenants, Senator Samuel C. Pomeroy, of Kansas, compiled, and as manager of Chase's canvass for the presidency, published a circular, for private distribution over the country. It declared Lincoln's renomination impossible, because of his failures, his temporizing expedients, the abuse of government patronage which he had permitted, and chiefly, because there were to be found "united in Hon. Salmon P. Chase more of the qualities needed in a president during the next four years than are combined in any other available candidate." Under him there would be "the speedy restoration of the Union upon the basis of universal freedom," and all the virtues.

Chase promptly wrote Lincoln that he had no previous knowledge of the Pomeroy circular, and saw it first when printed. He was willing to resign the charge of the Treasury Department and to retire into private life; many wished the re-election of Lincoln; if their desire should be realized, the secretary assured the president that he would take with him into private life "the sentiments I now cherish, whole

and unimpaired." Probably no man in America knew better than did Lincoln the utter hopelessness of Chase's candidacy for the presidency, for no other man in America equalled Lincoln as a politician. He was born with "the uncanny insight" which distinguishes but one other American—Thomas Jefferson. He acknowledged the secretary's letter, assured him that he was needed in the office he held, said that he had not read the Pomeroy letter and thought that he should not, and with characteristic ingenuousness, added: "I have known just as little of these things as my friends have allowed me to." Undoubtedly this was all there was to know—that no wing of the Republican party ever thought seriously of Chase as a presidential candidate. Joseph Medill, the vigorous editor of the *Chicago Tribune*, expressed the situation, in December, 1863: "I presume it is true that Mr. Chase's friends are working for his nomination, but it is all lost labor; Old Abe has the inside track so completely that he will be nominated by acclamation when the convention meets. The people will say to Chase: 'You stick to finance, and be content until after 1868'; and to Grant: 'Give the rebels no rest; put them through; your reward will come in due time'; but Uncle Abe must be allowed to boss the reconstruction of the Union."

The possibility of Chase's nomination passed when Ohio spoke: its Legislature, in Republican caucus, February 25, 1864, nominating Lincoln for re-election; and the first condition of a presidential nomination is, that the candidate's own State supports him unanimously.

The Radical element North comprised a group, not an organization, of resolute people, of whom Wendell Phillips was perhaps as reasonable as any, who all along had complained of Lincoln's slowness, hesitancy, timidity, truckling expedients and general aversion to radical treatment of the Confederates. To these—who believed themselves reformers,—John C. Frémont was the proper man for president, and the famous "pathfinder" for a time yielded to the flattering fancy. These vigorous friends of liberty were fond

of reminding the public of Frémont's emancipation proclamation; of his life-long hatred of slavery; of his chivalry, his generalship—and not least—of Lincoln's jealousy and persecution of him and his final removal from the field of active service. "Frémont Clubs" sprang up in Missouri. This group of Radicals had no more vigorous champion than Elizabeth Cady Stanton and enrolled that nondescript collection described by Samuel Bowles as "the gentler sex of both genders." The most uncompromising of the old-time Abolitionists were counted in this "People's Party," which met, on the last day of May, in Cleveland. The delegates, before leaving their homes, promised themselves a feast of political purification. Horace Greeley, so it was reported, would attend the convention, but he somewhat dryly answered inquiry by saying that "the only convention he took any interest in was the one Grant was holding before Richmond." Some of the delegates thought that Grant should be nominated for president, but Frémont was the favorite. "In the course of this debate," write Nicolay and Hay, "the somewhat dreary proceedings were enlivened by a comic incident. A middle-aged man, who gave his name as Carr, addressed the chair, saying that he had come from Illinois as a delegate under the last call and did not want to be favored 'a single mite.' His ideas not flowing readily, he repeated this declaration three times in a voice continually rising in shrillness with his excitement. Something in his tone stirred the risibles of the Convention, and loud laughter saluted the Illinoian. As soon as he could make himself heard he cried out: 'These are solemn times.' This statement was greeted with another laugh, and the delegate now shouted at the top of his voice: 'I believe there is a God who holds the universe in His hand as you would hold an egg.' This comprehensive scheme of theocracy was too much for the Missouri agnostics, and the Convention broke out in a tumult of jeers and roars. The rural delegate, amazed at the reception of his confession of faith, and apparently in doubt whether he had not stumbled by accident

into a lunatic asylum, paused, and asked the chairman in a tone of great seriousness whether he believed in a God. The wildest merriment now took possession of the assembly, in the midst of which the Illinois atheist solemnly marched down the aisle and out of the house, shaking from his feet the dust of that unbelieving Convention."

Major-General John C. Frémont, of New York, and Brigadier-General John Cochran, of New York, were nominated for president and vice-president, respectively. Frémont promptly accepted in a letter which attacked the administration and warned the country of the fatal peril of Lincoln's renomination. The platform demanded the confiscation of rebel property and its distribution among the soldiers—a clause which Frémont specially commended in his letter of acceptance.

The Convention made itself the object of public ridicule. It nominated both candidates from the same State, though the Constitution plainly forbids the elector to vote for more than one candidate from his own State. The committee to whom the matter was referred gave the name of the "Radical Democracy" to the proposed new party. The Democratic party looked on with glee at the impending split in the Republican party and anticipated Lincoln's defeat. Even the Confederate leaders, hateful as was to them the Frémont-Cochran platform, welcomed the "Radical Democracy" as an ally in the downfall of the Lincoln administration. But the North was not deceived. The work of the Convention, record Nicolay and Hay, "met with no response from the country. On the day of its meeting the German press of Cleveland expressed its profound disappointment at the smallness and insignificance of the gathering, and with a few unimportant exceptions the newspapers of the country greeted the work of the Convention with an unbroken chorus of ridicule. Its absurdities and inconsistencies were, indeed, too glaring for serious consideration. Its movers had denounced the Baltimore Convention as being held too early for an expression of the

deliberate judgment of the people, and now they had made their own nominations a week earlier, they had claimed that Baltimore was not sufficiently central in situation, and they had held their Convention on the northern frontier of the country; they had claimed that the Baltimore delegates were not properly elected, and they had assumed to make nominations by delegates not elected at all; they had denounced the Baltimore Convention as a close corporation and invited the people to assemble in mass, and when they came together they were so few they never dared to count themselves; they had pretended to desire a stronger candidate than Mr. Lincoln, and had selected the most conspicuous failure of the war; they had clamored loudly against corruption in office, and one of the leading personages in the Convention was a member of Frémont's staff who had been dismissed for dishonesty in government contracts.

"The whole proceeding, though it excited some indignation among the friends of Mr. Lincoln, was regarded by the president himself only with amusement. On the morning after the Convention, a friend, giving him an account of it, said that, instead of the many thousands who had been expected, there were present at no time more than four hundred men. The president, struck by the number mentioned, reached for the Bible which commonly lay on his desk, and after a moment's search read these words: 'And every one that was in distress, and every one that was in debt, and every one that was discontented, gathered themselves unto him; and he became a captain over them; and there were with him about four hundred men.' "

The tide of popular approval of the administration had been flowing for some time. It started, seemingly in rhythmic unison, at different political centres and the tributary streams at last meeting swept on in one over-powering current. New Hampshire, on the 6th of January, 1864, assembled in State Convention for the nomination of State officers, spontaneously declared in favor of Lincoln's renomination. The Pennsylvania Legislature, strongly

Republican, was in session, and its Union members signed an address endorsing the administration and urging Lincoln's re-election "purely on public grounds," the chief of which was that to defeat Lincoln would be confession of failure to preserve the Union. Similar declarations came from Central Committees in New York, Kansas, New Jersey, Connecticut, Maryland, Minnesota, Wisconsin, Colorado, Ohio, Indiana, Maine and Illinois. There could be no mistaking the drift and meaning of public opinion throughout the country. The president made no concealment of his readiness to continue the work to which he had been called.

When, June 7th, the Baltimore Convention assembled, it had nothing to do but to register the popular will. The platform demanded the suppression of the rebellion; a constitutional amendment abolishing slavery; thanked the army and the navy for their services; approved Lincoln's administration; demanded for the colored troops the full protection of the laws of war; pledged the national faith for the redemption of the national debt; deprecated any effort of European powers to establish monarchical governments near the United States, and approved the adherence of the administration to the principles of the Monroe Doctrine, meaning, of course, the attitude of the government toward the attempt of Napoleon III and Maximilian in Mexico. The declaration in favor of a constitutional amendment abolishing slavery provoked an outburst of cheers. It was not generally known at the moment that Lincoln was the author of the plank and had urged its insertion in the platform. Missouri had instructed her delegates, twenty-two in number, to vote for Grant, so that the first ballot stood, for Grant, 22, for Lincoln, 484. The Missouri delegates, before the result was announced wished to change their vote and make Lincoln's nomination unanimous. Parliamentary procedure forbade this, and unanimity was expressed in the second ballot.

On the second ballot for vice-president, Andrew Johnson, of Tennessee, received all the votes of the Convention, save

twenty-six. The nomination of Johnson gave to the ticket a border State war Democrat and was believed by its promoters and by most of its supporters to give strength to the ticket. The weight of evidence is divided on the neutrality of Lincoln himself as to the nomination. Colonel McClure, in his *Lincoln and Men of War Times* brings forward proof that Johnson was manipulated into successful nomination by Lincoln himself because of his solicitude to retain the support of the border States for his administration. Nicolay and Hay assert with equal assurance, and personal knowledge, that: "It was with minds absolutely untrammelled by even any knowledge of the president's wishes that the Convention went about its work of selecting his associate on the ticket." The other names before the Convention were the vice-president, Hannibal Hamlin, of Maine,—whose attitude toward the administration, Colonel McClure asserts, eliminated him from Lincoln's support,—who received 150 votes on the first ballot; Daniel F. Dickinson, of New York, who received 108 votes, Benjamin F. Butler, of Massachusetts, who received 28 votes, with 33 votes scattered among six other candidates. It was a "Lincoln Convention" and it is improbable that the leaders allowed it to run counter to Lincoln's wishes, communicated to them confidentially by his personal representative and close friend, Leonard Swett. Or, to state the conclusion negatively, had the leaders understood that Lincoln favored any other candidate more than Johnson, the nomination would not have gone to Johnson.

The president's reply to the official notification of his nomination brings out the dominant thought of his mind and policy—the vitality of the Nation:

"I will neither conceal my gratification nor restrain the expression of my gratitude that the Union people, through their Convention, in the continued effort to save and advance the nation, have deemed me not unworthy to remain in my present position. I know no reason to doubt that I shall accept the nomination tendered; and yet perhaps I

should not declare definitely before reading and considering what is called the platform. I will say now, however, I approve the declaration in favor of so amending the Constitution as to prohibit slavery throughout the nation. When the people in revolt, with a hundred days of explicit notice that they could within those days resume their allegiance without the overthrow of their institutions, and that they could not resume it afterwards, elected to stand out, such amendment to the Constitution as is now proposed became a fitting and necessary conclusion to the final success of the Union cause. Such alone can meet and cover all cavils. Now the unconditional Union men, North and South, perceive its importance and embrace it. In the joint names of Liberty and Union, let us labor to give it legal form and practical effect."

But this timely and significant utterance, however forcibly it appealed to the judgment of the North did not touch the popular feeling and provoke such sympathetic response as the homely words Lincoln spoke to a delegation of the National Union League which called at the White House to congratulate him on his re-nomination: "I do not allow myself to suppose that either the Convention or the League have concluded to decide that I am either the greatest or the best man in America, but rather they have concluded it is not best to swap horses while crossing the river, and have further concluded that I am not so poor a horse that they might not make a botch of it in trying to swap." This speech of no uncertain meaning was caught up by the public and condensed into one of the rallying cries of the campaign: "Don't swap horses in the middle of the stream."

Secretary Chase's petulance, aggravated by disappointment at the collapse of his presidential hopes, found opportunities of utterance in complaints about appointments in his department and in a rising insistence on the president's deference to his own candidates. The relations between the two became at last too strained: Chase had frequently

threatened to resign, and had written and withdrawn resignations, but finally, June 29th, irritated over a presidential appointment he sent in his resignation, which the president accepted, the following day, writing, in the acceptance: "Of all I have said in commendation of your ability and fidelity I have nothing to unsay, and yet you and I have reached a point of mutual embarrassment in our official relation which it seems can not be overcome or longer sustained consistently with the public service." William Pitt Fessenden, of Maine, Chairman of the Senate Committee of Finance, was appointed secretary. Chase confided to his diary repeated assertions of his sense of being wronged by the president, a record of animosity seemingly incompatible with the integrity and patriotism which distinguish Chase among American statesmen. "So my official life closes," he enters in his diary the day of his retirement. "I have laid broad foundations. Nothing but wise legislation and especially bold yet judicious provision of taxes, with fair economy in administration and energetic yet prudent military action, seem necessary to insure complete success."

On the 29th of August, the Democratic party met in National Convention at Chicago. The leaders of the party had expected to assemble the Convention July 4th, but postponed the gathering in order to avail themselves of any disasters or accidents which might meantime happen likely to further the ends of the party. The situation was not encouraging for the Union men of the country: Grant was losing men by the tens of thousands in the Wilderness and had at last been halted, perhaps permanently, by Petersburg. People at the North, after the battle of Cold Harbor, were calling the general-in-chief, "Butcher Grant"; Sherman was entangled somewhere amidst the Confederate forces of the Southwest; Lee was planning a new raid into Maryland and Pennsylvania, and Early might burn Washington despite the Army of the Potomac. Again the Copperheads were derisively shouting "Failure" and demanding that "the

Dictator Lincoln be driven from the White House." But the real issue was not obscured: Lincoln was the Union candidate and his opponent would be the disunion candidate. Rumors of an organized secret society in the Northwest declared its purpose to be the separation of that section from the East, and its ultimate union with the Confederacy. The "Knights of the Golden Circle" in Indiana, Illinois, and the neighboring States were holding secret meetings and perfecting—so rumor said—treasonable designs against the government. It is a tradition among Republicans that opposition is the strength of the party. As yet, in the presidential year, the Republicans were on the defensive; they could boast of no victories in the field, like Gettysburg and Vicksburg; they had mortgaged the future with their hopes, and many at the North were sick of hope deferred. Ever since the retirement of McClellan from the army he had been looked upon as the one man in the country to pit against Lincoln in the coming presidential race. He expected the nomination and the rank and file of the Democratic party expected that it would be given him. The Chicago Convention met therefore with a unanimity of sentiment at least comparable to that at Baltimore preceding the nomination of Lincoln. But politicians—the trimmers of the day, were thinking of possibilities, and compromises; some of these had the hallucination that McClellan could be coaxed out of candidacy for the presidency by an offer of reappointment to high command in the army: but McClellan wanted to be president and he had had high command in the army. The hold of McClellan on many people North was only equalled by that of Lincoln on his party: there were many Congressional districts at the North where McClellan, at any time during the war, had the opportunity occurred, could have polled a heavier vote than Lincoln. Lincoln himself, the most astute politician in the country, saw clearly that McClellan would be nominated, and, as the evidence compels belief, for a time believed that he would be elected. This interval of despondency

registered itself in a curious way. "He wrote on the 23d of August," record Nicolay and Hay, "the following memorandum:

"This morning, as for some days past, it seems exceedingly probable that this administration will not be re-elected. Then it will be my duty to so co-operate with the president-elect as to save the Union between the election and the inauguration; as he will have secured his election on such ground that he cannot possibly save it afterwards."

Lincoln was in the habit of writing down his convictions, on occasion, and setting the sheet aside, as it were, to try events. The conviction of his probable defeat was given a quasi-official endorsement. He had folded and pasted the sheet in such manner that its contents could not be read and then handing it to each member of his Cabinet he requested him to endorse it, thus pledging his advisers to his policy indicated within; it was not until after election day that he opened the paper and read it to the Cabinet.

The Chicago Convention opened with a vigorous attack on the policy of the administration, accusing it of violating the principles on which the American government is founded. The draft was the common object of complaint and attack. Horatio Seymour, governor of New York, was made permanent chairman and with vigor and characteristic adroitness accused the administration of causing the ills from which the country was suffering: the substance of every speech was that the Democratic party alone could save the Union; that the administration could not save it if it would. The dominating spirit of the Convention was Clement L. Vallandigham, at the head of the Ohio delegation. He it was who dictated and carried through the resolution which defined the attitude of the party toward the Nation and toward the Confederacy:

"This Convention does explicitly declare, as the sense of the American people, that after four years of failure to restore the Union by the experiment of war, during which, under the pretense of a military necessity, or war power

higher than the Constitution, the Constitution itself has been disregarded in every part, and public liberty and private right alike trodden down and the material prosperity of the country essentially impaired, justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to an ultimate convention of the States, or other peaceable means, to the end that at the earliest practical moment peace may be restored on the basis of the Federal Union of the States."

This was a surrender to the Confederacy.

General McClellan received 202 votes, and upon Vallandigham's motion the nomination was made unanimous. George H. Pendleton, of Ohio, was named for vice-president. The Convention adjourned and its committees were instructed to notify the candidates of their nomination. While yet the notices of the committees were in preparation, Sherman took Atlanta, the commercial capital of the Southwest and the first fresh correction was made of the assertion of the Convention that "the war is a failure." But Atlanta's fall was not the only correction; McClellan's letter of acceptance was a repudiation of the platform:

"The re-establishment of the Union," he said, "in all its integrity is, and must continue to be, the indispensable condition in any settlement. So soon as it is clear, or even probable, that our present adversaries are ready for peace, upon the basis of the Union, we should exhaust all the resources of statesmanship practised by civilized nations and taught by the traditions of the American people, consistent with the honor and interests of the country, to secure such peace, re-establish the Union, and guarantee for the future the constitutional rights of every State. The Union is the one condition of peace. We ask no more. Let me add, what I doubt not was, although unexpressed, the sentiment of the Convention, as it is of the people they represent, that when any one State is willing to return to the Union it should be received at once, with a full guarantee of all its constitutional rights. I could not look in the face of my

gallant comrades of the army and navy, who have survived so many bloody battles, and tell them that their labors and the sacrifice of so many of our slain and wounded brethren had been in vain, that we had abandoned that Union for which we have so often periled our lives. A vast majority of our people, whether in the army and navy or at home, would, as I would, hail with unbounded joy the permanent restoration of peace, on the basis of the Union under the Constitution without the effusion of another drop of blood. But no peace can be permanent without union." And he concluded his letter with the remarkable statement: "Believing that the views here expressed are those of the Convention and the people you represent, I accept the nomination." Vallandigham lost no time to repudiate McClellan's letter of acceptance, declaring that the resolution (which he had conceived, dictated and carried through) of the Convention in its platform was the only authorized statement of the creed of the Democratic party.

"The campaign of 1864," writes Pollard, in his *Life of Jefferson Davis*, "found the two best men in real command and in the two principal positions—Lee in Virginia, Johnston in Georgia. The military condition of the country was in various respects never so prosperous as it was at midsummer; for these two great commanders had so done their work that it was then morally certain that the last supreme effort of the enemy was going to fail; and failing, it was impossible to doubt that the year would be the last of the war, and would terminate in the proclaimed independence of the Confederacy.

"The question of peace already trembled on the balance in the North, and the number of rumors concerning it show how busily employed was the public mind with the prospect of an early termination of the war, and how eager it was to anticipate it. So equally had parties come to be divided in the North, when the Chicago Convention nominated McClellan for president, that the entire Democratic party was bold enough to declare, in the most deliberate

manner, that the war was a "failure." Scarcely any Northern man of any political persuasion, outside of fanaticism, doubted that if Johnston defeated Sherman, or that if he even held his own—in short, that if the South accomplished mere negative results, in holding Richmond and Atlanta—the peace party which was at this time the whole Democratic party, would come into power, turn the war into a Convention of States, and decide there the claims of the South, which, it was a foregone conclusion, and a logical necessity, could not be less than independence. Mr. Davis could not fail to perceive the significance of the Chicago Convention, and was certainly intelligent enough to understand the condition of parties at the North. He had private correspondents in that Convention. Indeed, it was well-known that during the entire war, Mr. Davis maintained secret communications with many distinguished Northern politicians, generally those of the Democratic party. The letters and documents he received from them were so numerous that they were kept in a special, private archive, entitled the Presidential Bureau of Correspondence. In this "underground" correspondence Mr. Davis had been well informed of the Chicago Convention; that 'it meant peace for the North and independence for the South,' as a distinguished gentleman of New England wrote him, and that all there was of doubt of the success of the Chicago nominees depended on the success of his own administration at Richmond, and that the Democratic party of the North was held in the hollow of his hand. . . . The Democratic party asked Jefferson Davis rather than its own leaders to sustain it. . . . It only asked that the Confederacy should for a few months hold its own. . . ."

If Pollard's interpretation of the issue be correct, Mr. Davis defeated the election of McClellan, when, on the 17th of July, he removed General Johnston from the command of the army in the West and replaced him with General Hood. "It was a day never to be forgotten," adds Pollard, "for it contained the doom of the South."

The nomination of McClellan was followed immediately by the fall of Atlanta, by Sheridan's victories in the Shenandoah Valley, by his brilliant triumph at Cedar Creek. Hood was retreating southward and Sherman was already advancing towards his final campaign which should drain the Confederacy as dry as hay. "From the moment the Democratic Convention named its candidates," write Nicolay and Hay, "the stars in their courses seemed to fight against them." The campaign clearly defined the issues before the country—the meaning of the war. Lincoln's own utterances were few but to the point; he kept his hand firmly on the pulse of politics, but he refrained from public speech. He held himself aloof from the canvass. Yet his utterances, brief and infrequent, record the sentiment of the North:

"I wish it could be more generally and universally understood what the country is now engaged in," he said to an Ohio regiment. "We have, as we all will agree, a free government, where every man has a right to be equal to every other man. In this great struggle, this form of government, and every form of human right, is endangered if our enemies succeed. . . . There is involved in this struggle the question whether your children and my children shall enjoy the privileges we have enjoyed. . . . When you return to your homes, rise up to the height of a generation of men worthy of a free government, and we will carry out the work we have commenced."

And again:

"I happen, temporarily, to occupy this big white house. I am a living witness that any one of your children may look to come here as my father's child has. It is in order that each one of you may have, through this free government which we have enjoyed, an open field and a fair chance for your industry, enterprise, and intelligence—that you all may have equal privileges in the race of life with all its desirable aspirations—it is for this that the struggle should be maintained, that we may not lose our birthright.

The nation is worth fighting for to secure such an inestimable jewel." And the simplest-minded patriot at the North could understand this:

"Of course, I may err in judgment; but my present position in reference to the rebellion is the result of my best judgment, and, according to that best judgment, it is the only position upon which any executive can or could save the Union. A substantial departure from it insures the success of the rebellion. An armistice—a cessation of hostilities—is the end of the struggle, and the insurgents would be in peaceable possession of all that has been struggled for. Any different policy in regard to the colored man deprives us of his help, and this is more than we can bear. We cannot spare the hundred and forty or fifty thousand now serving us as soldiers, seamen and laborers. This is not a question of sentiment or taste, but one of physical force, which may be measured and estimated as horse power and steam power are measured and estimated. Keep it and you can save the Union. Throw it away and the Union goes with it. Nor is it possible for any administration to retain the service of these people with the express or implied understanding that upon the first convenient occasion they are to be re-enslaved. It can not be and it ought not to be."

This last opinion was one of the "unsent" letters which Lincoln sometimes wrote, but the conclusion which it reached was the conclusion reached by the patriotic North respecting the issue involved in the election of McClellan or the re-election of Lincoln. Sheridan's victories in the Shenandoah Valley, Winchester, Fisher's Hill, in August, Farragut's defeat of the Confederate fleet in Mobile Bay, Sherman's capture of Atlanta, refuted the declaration of the Chicago Convention that the war was a failure. Grant at this time wrote of the Confederacy: "They have robbed the cradle and the grave equally to get their present force." Public opinion at the North responded; Frémont withdrew as a candidate for the presidency, September 22d; Chase

and Wade and Blair threw their influences for Lincoln's re-election; the tide had turned. The September States, Maine and Vermont, were for Lincoln; so too the October States, Pennsylvania, Ohio and Indiana. The soldiers at the front, in camp and hospital, supported Lincoln by large majorities—the larger among the Western troops. The majority of the popular vote for Lincoln (2,216,067) was nearly half a million (407,342) and in the electoral college he received 212 votes against McClellan's 21, the latter, the votes of New Jersey (7), McClellan's own State—the last Northern State in which slavery lingered,—Delaware, (3) and Kentucky (11). The patriotic North had spoken, it re-elected Lincoln because he embodied its traditions, its aspirations, its decision. On the evening of the second day after the election, Lincoln was serenaded by the Republican clubs of the District of Columbia. "Not wishing to speak extempore on an occasion where his words would receive so wide publication," write Nicolay and Hay, "he sat down and hastily wrote a speech which, while it has not received the world-wide fame of certain other of his utterances, is one of the weightiest and wisest of all his discourses." Not only was there in this speech "the inmost philosophy of republican governments" but also, in exquisite form, far more perfectly expressing the thought than any other Northern man expressed it—the interpretation of the Civil War by the mind of the North:

"It has long been a grave question whether any government not too strong for the liberties of its people can be strong enough to maintain its own existence in great emergencies. On this point the present rebellion brought our Republic to a severe test, and a presidential election occurring in regular course during the rebellion added not a little to the strain. If the loyal people united were put to the utmost of their strength by the rebellion, must they not fail when divided and partially paralyzed by a political war among themselves? But the election was a necessity. We

cannot have free government without elections; and if the rebellion could force us to forego or postpone a national election, it might fairly claim to have conquered and ruined us. The strife of the election is but human nature practically applied to the facts of the case. What has occurred in this case must ever recur in similar cases. Human nature will not change. In any future great national trial, compared with the men of this, we shall have as weak and as strong, as silly and as wise, as bad and as good. Let us, therefore, study the incidents of this, as philosophy to learn wisdom from, and none of them as wrongs to be revenged. But the election, along with its incidental and undesirable strife, has done good, too. It has demonstrated that a people's government can sustain a national election in the midst of a great civil war. Until now, it has not been known to the world that this is a possibility. It shows, also, how sound and how strong we still are. It shows also, that even among candidates of the same party, he who is most devoted to the Union and most opposed to treason can receive most of the people's votes. It shows, also, to the extent yet known, that we have more men now than we had when the war began. Gold is good in its place; but living, brave, patriotic men are better than gold.

"But the Rebellion continues; and, now that the election is over, may not all having a common interest reunite in a common effort to save our common country? For my own part, I have striven and shall strive to avoid placing any obstacle in the way. So long as I have been here, I have not willingly planted a thorn in any man's bosom. While I am deeply sensible to the high compliment of a re-election, and duly grateful, as I trust, to Almighty God for having directed my countrymen to a right conclusion, as I think, for their own good, it adds nothing to my satisfaction that any other man may be disappointed or pained by the result.

"May I ask those who have not differed with me to join with me in the same spirit towards those who have? And

now let me close by asking three hearty cheers for our brave soldiers and seamen, and their gallant commanders."

In his message to Congress, December 6th, occurs a passage which exhibits the mind and purpose of the North and its interpretation of the war:

"The purpose of the people within the loyal States to maintain the integrity of the Union was never more firm or more nearly unanimous than now. The extraordinary calmness and good order with which the millions of voters met and mingled at the polls give strong assurance of this. Not only all those who supported the Union ticket, so called, but a great majority of the opposing party also, may be fairly claimed to entertain and to be actuated by the same purpose. It is an unanswerable argument to this effect, that no candidate for any office whatever, high or low, has ventured to seek votes on the avowal that he was for giving up the Union. There have been much impugning of motives and much heated controversy as to the proper means and best mode of advancing the Union cause; but on the distinct issue of Union or no Union the politicians have shown their instinctive knowledge that there is no diversity among the people. In affording the people the fair opportunity of showing one to another and to the world this firmness and unanimity of purpose, the election has been of vast value to the national cause."

And on the question of slavery he said:

"At the last session of Congress a proposed amendment of the Constitution, abolishing slavery throughout the United States, passed the Senate, but failed for lack of the requisite two-thirds' vote in the House of Representatives. Although the present is the same Congress, and nearly the same members, and without questioning the wisdom or patriotism of those who stood in opposition, I venture to recommend the reconsideration and passage of the measure at the present session."

As evidence of the trend of the national thought he remarked:

"Important movements have occurred during the year to the effect of molding society for durability in the Union. Although short of complete success, it is much in the right direction that 12,000 citizens in each of the States of Arkansas and Louisiana have organized loyal State governments, with free constitutions, and are earnestly struggling to maintain and administer them. The movement in the same direction, more extensive though less definite, in Missouri, Kentucky, and Tennessee, should not be overlooked. But Maryland presents the example of complete success. Maryland is secure to liberty and Union for all the future. The genius of rebellion will no more claim Maryland. Like another foul spirit, being driven out, it may seek to tear her, but it will woo her no more.

"The national resources are unexhausted, and, as we believe, inexhaustible. The public purpose to re-establish and maintain the national authority is unchanged, and, as we believe, unchangeable. The manner of continuing the effort remains to choose. On careful consideration of all the evidence accessible, it seems to me that no attempt at negotiation with the insurgent leader could result in any good. He would accept nothing short of severance of the Union—precisely what we will not and cannot give. His declarations to this effect are explicit and oft repeated. He does not attempt to deceive us. He affords us no excuse to deceive ourselves. He cannot voluntarily re-accept the Union; we cannot voluntarily yield it. Between him and us the issue is distinct, simple, and inflexible. It is an issue which can only be tried by war, and decided by victory. If we yield, we are beaten; if the Southern people fail him, he is beaten. Either way it would be the victory and defeat following war. What is true, however, of him who leads the insurgent cause, is not necessarily true of those who follow. Although he cannot re-accept the Union, they can. Some of them, we know, already desire peace and reunion. The number of such may increase.

"They can at any moment have peace simply by laying down their arms and submitting to the national authority under the Constitution. After so much the government could not, if it would, maintain war against them. The loyal people would not sustain or allow it. If questions should remain, we would adjust them by the peaceful means of legislation, conference, courts, and votes, operating only in constitutional and lawful channels. Some certain, and other possible, questions are, and would be, beyond the executive power to adjust; as, for instance, the admission of members into Congress, and whatever might require the appropriation of money. The executive power itself would be greatly diminished by the cessation of actual war. Pardons and remissions of forfeitures, however, would still be within executive control. In what spirit and temper this control would be exercised, can be fairly judged of by the past."

After recalling to Congress that general pardon and amnesty upon specified terms had been offered, during 1863, to those engaged in rebellion, that many had availed themselves of the offer, that no voluntary application had been denied, Lincoln continued:

"Thus practically, the door has been for a full year open to all, except such as were not in condition to make free choice—that is, such as were in custody or under restraint. It is still so open to all; but the time may come—probably will come—when public duty shall demand that it be closed; and that in lieu more rigorous measures than heretofore shall be adopted.

"In presenting the abandonment of armed resistance to the national authority on the part of the insurgents as the only indispensable condition to ending the war on the part of the government, I retract nothing heretofore said as to slavery. I repeat the declaration made a year ago, that 'while I remain in my present position I shall not attempt to retract or modify the Emancipation Proclamation nor shall I return to slavery any person who is free by the

terms of that proclamation, or by any of the acts of Congress.' If the people should, by whatever mode or means, make it an executive duty to re-enslave such persons, another, and not I, must be their instrument to perform it. In stating a single condition of peace, I mean simply to say, that the war will cease on the part of the government whenever it shall have ceased on the part of those who began it."

This utterance was not alone the conviction of Abraham Lincoln: it was the conviction of the loyal North. No other chief executive of a nation ever, amidst the most stupendous movements of civil war, issued such a state paper as this message of conciliation: the insurgents might put an end to the war by returning to allegiance, but slavery must be abolished. The refusal of the Confederacy to listen to this pacific offer only gives more conclusive testimony that the animus of the war was the perpetuation of slavery. The state of mind which had for generations held the conscience of the Nation in bondage had at last yielded to the necessities of civilization and humanity—at the North, and as Lincoln remarked, in portions of the South—where free government was spreading—in Arkansas, Louisiana, Maryland, Missouri, and Tennessee. The handwriting was on the wall, but the Confederacy refused to look at it. Never was the issue clearer than during the last year of the war: the Nation, fighting for freedom; the Confederacy, fighting for slavery.

McClellan's defeat did not diminish his popularity with his party but it led him to resign his commission in the regular army, and to the place thus vacated, the president appointed General Philip H. Sheridan. A civil appointment, about the same time, was notable: that of Salmon P. Chase as chief-justice of the United States—his desire for which position he had made known to the president, while yet a member of the Cabinet. The appointment exemplified Lincoln's incapacity to harbor political resentments, and his fine recognition of genius and ability for the public service. Chase was nominated and confirmed

December 6, 1864, not without vigorous criticism of the president by some influential Republicans, but with the general approbation of the North.

In December, 1864, the navy of the United States, including ships under construction, numbered 671 vessels, carrying 4,610 guns, and 510,396 tons, manned, including officers, by about 51,000 men. During the year closing with November, 1864, the navy had captured 324 vessels; the whole number, since the outbreak of the war, was 1,379, of which 267 were steamers. The gross proceeds from the sale of condemned prizes up to that time was \$14,396,250. The national navy from the time it came into existence specially for the suppression of the rebellion had cost, (March 4, 1861—December 1, 1864), \$238,647,262.

The year had not been lacking in naval victories. The Confederate cruiser *Florida*, built in England, after a destructive career was captured by the *Wachusett*, Captain Napoleon Collins, in the harbor of Bahia, Brazil, October 7, 1864. The Brazilian government protested against this unfriendly act within her jurisdiction; the United States disavowed the act of Captain Collins and cited him to appear before a court-martial; and amends were offered to Brazil—the United States navy being ordered to do honors to the Brazilian flag. The officers of the *Florida* were released and soon sailed for England. The *Florida* foundered while at anchor off Hampton Roads, on the 28th of November. The *Japan*, also known as the *Georgia*, an English built Confederate screw steamer, was captured, after a destructive career, by the *Niagara*, off the mouth of the Tagus, in March. The *Victor*, another English built boat, refitted at Calais as the *Rappahannock*, was finally detained by Napoleon III—after much turning and twisting of counsel and policy, and to the great discontent of the Richmond government. The *Alabama*, English built, and most destructive of Confederate privateers, was at last overhauled by the United States ship *Kearsarge*, near Cherbourg, and on June 19th was sent to the bottom. Her crew and

officers were rescued by the *Deerhound*, an English yacht, and by some French pilot boats. The *Shenandoah*, purchased by the Confederacy, in England, in September, 1864, began at once a destructive career, capturing and burning whalers, merchantmen, fishing smacks and any other craft flying the United States flag. Her course was in the Southern seas, along the coast of Europe, of the United States, in Behring Sea and wherever American commerce tracked the ocean. The *Shenandoah* survived the Confederacy, first hearing of its collapse, August 2, 1865. Arriving in the Mersey, November 6th, she was speedily handed over to the United States; was soon after sold to the Sultan of Zanzibar as a royal yacht, but her royal master having tired of her, she became a commercial steamer and was wrecked on a coral reef in the Indian Ocean.

During the first week of August, and chiefly on the 5th, the Union fleet under Admiral Farragut, attacked the Confederate fleet and land batteries in Mobile Bay. The *Tennessee*, the most powerful ram built by the Confederacy, carried the admiral of the Confederate navy, Franklin Buchanan, who had commanded the *Merrimac* in her battle with the *Monitor*. After one of the most obstinate battles in naval history, the Confederate fleet surrendered, but Mobile was not taken until April 11th, following. The ram *Webb*, a powerful Confederate production, the last fighting member of the rebel navy, was run ashore and fired by her crew, on the Mississippi, about twenty-five miles below New Orleans, April 24, 1865.

Of the great battles of the war, that of Farragut's fleet in Mobile Bay transcended all others fought by the navy. It was a contest between Union warships of the old wooden pattern and the *Tennessee* and other iron-clads and rams and wooden ships in the Confederate navy. The calm figure of the Union admiral, standing in the rigging of his flagship, the *Hartford*, directing the battle, remains the one naval picture of the war, and the battle itself put Farragut among the great sea-captains of history. Though the Union

fleet did not silence all the shore batteries or force the surrender of Mobile, its destruction of the Confederate navy drew yet tighter the line of destruction about the rebellion, convincing the North that the end of the war was rapidly approaching. But it was not the wooden ships in Farragut's fleet that won him the battle—but his iron-clads; the day of wooden warships was over. No armor-plated vessel built by the Confederates carried the demonstration further than did the *Albemarle*, an iron-clad, constructed in a corn-field on the banks of the Roanoke River and completed in April, 1864. "She measured 152 feet in length, 45 in width, and, with her armor on, drew eight feet. In general construction she resembled all the other Confederate iron-clads. Her casement, or shield, was sixty feet long, sloping to the deck at an angle of forty-five degrees; plated with two-inch iron, rolled at the Tredegar Works. She was armed with two rifled Brooke guns, mounted on pivot carriages, so disposed that each gun commanded three port-holes. Her beak was of oak, plated with two-inch iron. She was a year under construction." She was built under the direction of the same officer who had converted the *Virginia* into the *Merrimac*, and was a monument to the triumph of her builders over obstacles—the almost total lack of adequate facilities for such naval construction in the Confederacy. On April 18th she attacked the Union fleet off Plymouth, North Carolina, and promptly destroyed the two Union gunboats, *Miami* and *Southfield*. It was evident that she was pitted against the entire Union fleet in the Sound, eight vessels carrying 32 guns and 23 howitzers. The battle began early in the morning, May 5th. The combined fleet made little impression on the *Albemarle* save the destruction of her smokestack which, cutting off the draft to her boilers, appeared to put her out of action; but by burning the bacon and lard on board, her officers got her back to Plymouth, where she remained all summer long, only slightly active but a menace to the naval power of the Union. Several plans for her destruction were proposed

but "September had come," write Nicolay and Hay, "before the plan and the man were found that were adapted to the work. The scheme was to fit out two small steam launches rigged with spar torpedoes, and armed with howitzers; which should try to reach the ram at night by surprise; the man was Lieutenant William B. Cushing, who had attracted the attention of his superiors by several noteworthy examples of coolness and daring. Once he had landed by night with two boat crews at the town of Smithville, being rowed under the very guns of Fort Caswell, walked with three men to General Louis Hébert's headquarters, captured an officer of engineers, the general himself being absent in Wilmington, and had come away safely with his prisoner, from a post garrisoned by a thousand men.

"At another time, having volunteered to destroy the iron-clad *Raleigh*, supposed to be lying in the Cape Fear River, he went in his cutter up the stream, eluding the sentries on either shore, landed within seven miles of Wilmington, thoroughly reconnoitred the place, found the *Raleigh* a total wreck, and after three days of adventures in which his luck and daring were equally amazing, he was intercepted on his return down the river in the moonlight by a whole fleet of guard boats and his escape apparently wholly cut off. Turning about, he found himself confronted by a schooner filled with troops. Instead of surrendering, he dashed for New Inlet; and, seconded by his crew, who always seemed when with him as insensible to danger as himself, he escaped into the breakers, where the enemy dared not follow, and safely rejoined his ship. His perfect coolness in critical emergencies was a matter of temperament rather than calculation. He prepared everything in advance with a care and judgment remarkable in one so young; but when the time of action came, the immediate peril of death was nothing more than a gentle stimulant to him; he enjoyed it as he would a frolic. He was a handsome youth, twenty-one years of age; six feet high; with a beardless face and bright auburn hair.

"After conferences with Admiral Lee and Mr. Fox, the assistant secretary of the navy, Cushing went to New York and found two launches, at the Brooklyn Navy Yard, suited to his purpose. They were forty-six feet in length, nine and one-half feet wide, and drew about forty inches. While they were being equipped for the work by Engineer-in-Chief W. W. Wood, of the navy, Cushing visited his mother in Fredonia, N. Y., and confided to her his intention, saying he needed her prayers. Returning to New York, he took his launches out and tested his torpedoes, and then started them southward, by way of Chesapeake Bay; one of them on the way was attacked by guerrillas and burned. At Hampton Roads, Cushing refitted his only remaining boat, and passing through the Dismal Swamp, came to Roanoke Island. There he gave out that he was bound for Beaufort and steamed away by night to join the fleet which was lying off the mouth of the Roanoke River, the senior officer being Commander W. H. Macomb, whose flagship was the *Shamrock*.

"Here for the first time Cushing disclosed to his officers and men the purpose of his expedition, leaving them free to go or stay as they preferred; all wanted to go with him. Several others volunteered, among them Paymaster Francis H. Swan, whose anxiety for a fight was paid by a severe wound and four months in Libby prison; W. L. Howarth, Cushing's tried and trusted companion in former adventures, and two other master's mates, Thos. S. Gay and John Woodman; two engineer officers, Steever and Stotesbury, and eight men. A cutter from the *Shamrock* was taken in tow with eleven men; their duty was to board the wreck of the *Southfield*, if the guard which was known to be posted there should discover the party as they passed. A false start was made on the night of the 26th; the boat ran aground, and so much time was wasted in getting her off that the expedition was postponed twenty-four hours. At midnight, in rain and storm, the devoted little party set forth. Fortune favored them at first; they passed the

wreck of the *Southfield* without a hail, and came in view of the few lights of Plymouth.

"The little noise made by the low-pressure engines was muffed with tarpaulins, which also concealed every ray of light from the launch. Cushing stood near the bow, connected by lines with every part of the boat as the brain is by nerves with every limb. He held a line by which he was to detach the torpedo from the spar which carried it, when it should have been shoved under the overhang of the ram; another, by which he was to explode it after it had floated up to a point of contact; and two more, one attached to his wrist and one to the ankle of the engineer, by which he directed the movements of the boat. He had two complete plans in his mind; one was—to use his own nervous phrase—'to take the *Albemarle* alive,' by landing some distance below, stealing up, and dashing on her from the wharf; but just as he was sheering close to the lower wharf he heard a dog bark, a sentry hail, and a moment afterwards a shot was fired. Instantly dismissing his first plan, Cushing ordered the cutter to cast loose and row to capture the *Southfield's* picket; and then, putting on all steam, he rushed for the ram, whose black bulk loomed in the darkness before him. By the light of a fire on the wharf he discovered that she was surrounded by a boom of logs extending all around her for the express purpose of protecting her against torpedoes. A brisk fire opened on the launch from the ship and the shore, but his keen intelligence was only sharpened by the danger, and he saw at a glance that on the course he was taking he could not get over the boom. He therefore sheered off a hundred yards, and then turning came at full speed to strike the logs at right angles, hoping thus to slide over them, and getting inside the sort of pen they formed, to reach the ram.

"The fire had by this time become severe; Swan was wounded; Cushing's clothes were torn by three bullets; the sole of his shoe was carried away, but he was unhurt and very happy. Being hailed again, as he dashed forward, he

shouted, 'Leave the ram. We are going to blow you up,' a response as considerate as it proved truthful. His crew, catching the infection, also chaffed the Confederates, while Cushing, not wishing to let the enemy do all the firing, sent a charge of canister among them at short range, which, he said, 'served to moderate their zeal and disturb their aim.' The launch touched the logs and slid gently over them; the spar was lowered; Cushing, as cool in that shower of deadly missiles, and in the face of a hundred-pound rifle, whose muzzle he could now plainly see, as a skilled artisan at his bench, watched for the proper instant, detached the torpedo with a line held in his right hand, waited a moment for it to rise under the hull of the ram, and then pulled with the left hand, which had just been cut by a bullet. At the same instant the 100-pounder was fired; the grape shot, at ten feet range, came roaring over Cushing and his crew, just missing them; but the torpedo had done its work, and a suffocating mass of water rose from the side of the *Albemarle* and fell upon the launch, half filling it, and drenching the crew. Cushing, who thought that his boat had been pierced by the shot from the ram, saw there was no hope of saving her; being summoned to surrender he refused, and ordered his crew to save themselves; he threw off his sword, revolver, coat and shoes and jumped into the water.

"The *Albemarle*'s commander did not at first realize what had happened. He heard the dull report as of an unshotted gun; a fragment of wood fell at his feet. He sent a carpenter to examine the hull, who reported 'a hole big enough to drive a wagon in.' The *Albemarle* was resting in the mud; she had sunk so little her own officers did not perceive it, and the victors were unconscious of their success. The men in the launch were captured, all but three, who had followed Cushing in his desperate leap into the icy river. Two of these were drowned; the third got ashore and was saved.

"Perhaps no event of his life gave such proof of Cushing's extraordinary nerve and endurance as his escape. He swam

out into the darkness, knowing there was no shelter for him but the fleet, twelve miles away. He evaded the rebel boats which were rowing about the river until he was well out of sight. Nearing the shore, he found Woodman drowning, and kept him up ten minutes with his own fast-failing strength, but could not bring him to land. Cushing at last managed to reach the muddy shore, and fell, half in and half out of the water; there he lay until daybreak, unable to move. When the dawn came, he found himself lying on the edge of a swamp, in full view of a sentry, not forty steps from a fort. When the sun had warmed his chilled limbs a little, he attempted to crawl away from his exposed position, and, being covered with mud, he succeeded, by sliding on his back, inch by inch, though soldiers were several times almost near enough to tread on him. After gaining the swamp he wandered for several hours among the cypresses, scratched and torn at every step by thorns and briars. At last he found an aged negro, and the disposition he made of him is noteworthy. Instead of employing him to assist in his escape, Cushing plied him with greenbacks and texts of Scripture until he induced him to go into Plymouth and get news of the last night's affair.

"The tidings he brought back were such a cordial to the forlorn victor, that he plunged into the swamp with new heart and hope. In the afternoon he came upon a stream where there was a picket post of soldiers who had a small skiff fastened to a cypress root in the water. Watching them till they sat down to eat, he swam to the boat, noiselessly unfastened it, and drew it around a bend in the river, then got in and paddled for life and liberty. He floated on through twilight to darkness, out of the Roanoke into the broad Sound; the night was providentially still and calm; he steered by the stars till he reached the picket vessel *Valley City*; he had strength enough left to give a feeble hail, then fell with a splash into the water in the bottom of his boat. He had paddled, he says, 'every minute for ten successive hours, and for four my body had been "asleep,"'

with the exception of my two arms and brain.' At first they took the skiff for a torpedo boat, and were more inclined to give him a volley of musketry than to pick him up; but he soon established his identity, refreshed himself, and went to report to the flagship, where he was received, as one risen from the dead, with the salutes of rejoicing; the night air became gay with rockets, and all hands were called to cheer ship. Perhaps the most remarkable words in the simple narrative this heroic youth has left of his strange adventure are these, with which it closes: 'In the morning I was again well in every way, with the exception of my hands and feet, and had the pleasure of exchanging shots with the batteries that I had inspected on the day previous.' A spirited engagement between the fleet and the forts began about eleven in the morning of the 31st (October, 1864); a fortunate shot from the *Shamrock* exploded in the enemy's magazine, and the Confederates hastily evacuated their works; the victorious sailors, rowing ashore, captured the rear guard with twenty-two cannon and a large quantity of stores."

With the destruction of the *Albemarle*, the Confederacy lost its last powerful war vessel in American waters. Its destruction was the result of daring not exceeded in the annals of the war.

Wilmington and Savannah still remained to the Confederacy of the seven ports it held at the outbreak of the war and before these two lay the Union blockading fleet through which many a Confederate runner, loaded with cotton, managed to escape. But the lines were drawing closer and closer about Savannah and Wilmington. Only the high price of cotton tempted the blockade-runners forth and the Union fleet had captured or destroyed nearly all that ventured. A joint military and naval attack was made on Fort Fisher and Wilmington, in the fall of 1864: the command of the fleet being given to Rear-Admiral D. D. Porter; that of the troops to General Godfrey Weitzel. This expedition failed. In January, another expedition, under Porter,

co-operating with General Terry was undertaken: Fort Fisher was captured—with more than 2,000 prisoners and sixty-nine cannon. On February 22d, Wilmington was in possession of General Schofield.

Lincoln had freely expressed in his message to Congress, December, 1864, his willingness to bring the war to a close by peaceful means—the insurgents to cease fighting and to declare their allegiance to the United States: the most generous terms that a Nation can offer to those in rebellion against its authority. The whole conduct of the government had been merciful and indulgent. On February 14, 1862, through the secretary of war, a proclamation was issued, directing that all political prisoners or State prisoners then held in military custody should be released on their subscribing to a parole engaging them to render no aid or comfort to the enemies in hostility to the United States. On December 8, 1863, the president issued a proclamation of amnesty and reconstruction, granting full pardon, with restoration of all rights of property, except as to slaves, to all—with special exemptions—who should subscribe an oath of allegiance to the government and keep the same inviolate, who had taken up arms against the United States. The persons exempted were the civil and diplomatic officers of the Confederacy; all in judicial stations who had left similar stations to take up arms in aid of the rebellion; all military and naval officers in the so-called Confederate government above the rank of colonel in the army and of lieutenant in the navy; all who had left seats in Congress to aid the rebellion; all who had resigned commissions in the United States army or navy and entered the service of the Confederacy; and all who had engaged in any way in treating colored persons, or white persons in charge of such, otherwise than lawfully as prisoners of war.

With the hope of the resumption of Federal relations at the South the president further proclaimed, "that whenever in any of the States of Arkansas, Texas, Louisiana,

Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina, a number of persons not less than one-tenth in number of the votes cast in such State at the presidential election of 1860, each having taken the oath of allegiance, having kept it and being a qualified voter of the State before the so-called act of secession, should re-establish a State government, republican in form and not conflicting with the required oath, that government would be recognized by the United States as the true government of the State and would be protected, constitutionally, against domestic violence."

This proclamation began reconstruction—a restoration of Federal relations at the South which had made some progress, as the president recorded in his message to Congress, in December, 1864. By proclamation, March 26, 1864, the president defined the class to which alone his earlier proclamation of amnesty should apply—namely, "only to those persons who, being yet at large and free from any arrest, confinement or duress, shall voluntarily come forward and take the said oath with the purpose of restoring peace and establishing the national authority." Prisoners excluded might apply to the president for clemency and their applications were given due consideration. The message of December 6, 1864, already freely quoted, was an offer of general pardon, subject to one condition: the inflexible decision of the president respecting slaves and slavery.

Many propositions leading to a cessation of the war emanated from all sorts and conditions of men at the North; of these one took on a color of importance largely because of the known loyalty and the high character of its author, Francis P. Blair—which was nothing less than that North and South should cease fighting each other, should unite and drive Maximilian out of Mexico. This fanciful project was laid with due solemnity before Jefferson Davis and President Lincoln. Mr. Blair went to Richmond, consulted Davis and got from him a brief writing, in the form of a letter, January 12, 1865, in which he said:

"I have no disposition to find obstacles in forms, and am willing now, as heretofore, to enter into negotiations for the restoration of peace; and am ready to send a commission whenever I have reason to suppose it will be received, or to receive a commission, if the United States government shall choose to send one. That, notwithstanding the rejection of our former offers, I would, if you could promise that a commissioner, minister, or other agent would be received, appoint one immediately, and renew the effort to enter into conference, with a view to secure peace to the two countries."

This communication being shown by Blair to Lincoln, the president wrote him a brief letter:

"You having shown me Mr. Davis's letter to you of the 12th instant, you may say to him that I have constantly been, am now, and shall continue to be ready to receive any agent whom he, or any other influential person now resisting the National authority, may informally send to me, with the view of securing peace to the people of our one common country."

Blair, assuming an authority which he did not possess, when he presented the president's note to Davis, suggested to him that General Lee and General Grant should meet and negotiate terms of peace. Mr. Davis knew very well that the Confederacy was tottering to its fall. Lee had reported the lack of rations for his army; Vice-President Stephens in secret session of the rebel Senate had been outspoken in confessing the weakness of the Confederacy and advised giving up Richmond and continuing a guerrilla warfare among the mountains. Judge Campbell, Confederate assistant secretary of war, had made a formal report on the exhaustion of the South. But Davis would not, perhaps his temperament was of the kind that could not, accept the situation. The result was a note from Davis to his commissioners, Stephens, Hunter and Campbell, to proceed to Washington for an informal conference "for the purpose of securing peace between the two countries," a

mission whose purpose was forestalled and prevented of execution by the terms of the letter which sent it. The president sent Secretary Seward to meet them, with the instruction not to "assume to definitely consummate anything," and to make known that three things were indispensable: the restoration of the national authority throughout all the United States; no receding by the executive of the United States on the slavery question from the position assumed thereon in the late annual message to Congress, and in preceding documents; and no cessation of hostilities short of an end of the war, and the disbanding of all forces hostile to the government. But all propositions of the Confederate commissioners "not inconsistent with the above" were to be "considered and passed upon in a spirit of sincere liberality." This was written January 31st; on the next day, before noon, the president received a telegram from Grant that in his opinion the intentions of the Confederate commissioners were "good and their desire sincere to restore peace and union." Upon receipt of this Lincoln telegraphed to Grant that he would meet them personally at Fort Monroe as soon as he could get there, and joined Secretary Seward there on the same night. This was the preliminary to the Hampton Roads Conference on board the *River Queen*, February 3, 1865, between President Lincoln, Secretary Seward, and the Confederate Commissioners. The president adhered to the three conditions laid down in his letter to Seward; he found the Commissioners unwilling to accept them. He told them they must be convinced that slavery was doomed. Stephens adhered to his extreme doctrines of sovereignty, and the theory of secession which he called a "continental regulator." Stephens had forgotten nothing, had learned nothing by the war: he was blind to the new order of the age which had dawned. Lincoln's advice to him to go home to Georgia and exert his influence to have his State ratify the Thirteenth Amendment was wasted. The president reiterated his decision—the impossibility of the United States entering into

any sort of agreement with parties in arms against it. "Mr. Hunter interposed," write Nicolay and Hay, "and in illustration of the propriety of the Executive entering into agreements with persons in arms against the acknowledged rightful public authority referred to repeated instances of this character between Charles I of England and the people in arms against him. Mr. Lincoln in reply to this said: 'I do not profess to be posted in history. On all such matters I will turn you over to Seward. All I distinctly recollect about the case of Charles I is that he lost his head.' "

Not more than six hours after the return of the commissioners to Richmond, Jefferson Davis, in what the Southern historian Pollard, who was near Davis as he spoke, pronounces "the most remarkable speech of his life," denounced Lincoln, uttered fiery threats defiant of any thought of reunion of South and North and assured his listeners that the Confederacy would "compel the Yankees, in less than twelve months to petition us for peace on our own terms." Commenting on this outburst, Pollard remarks: "The effect of these rhetorical stimulants could scarcely have been less than some temporary excitement. Hearing the huzzas in Richmond and reading the congratulations in the newspapers, the president and many around him were cheated into the belief that the South had taken heart again, and that the war was about to be dated from a new era of popular enthusiasm. But the delusion was soon to be dispelled. There was no depth in the popular feeling thus excited."

Mr. Davis had not spoken alone. "Mr. Hunter, one of the commissioners, addressed the multitude, and gave them to understand that Mr. Lincoln had turned from the propositions of peace with cold insolence—an insolence which he described as monstrous, since the Federal president "might have offered something to a people with 200,000 soldiers, and such soldiers under arms." The frightful apparition of subjugation was next introduced. "I will not attempt," said Mr. Hunter, "to draw a picture of subjugation. It

would require a pencil dipped in blood to paint its gloom." Mr. Benjamin, secretary of state, followed with yet more artful appeals to the multitude. "He affected," continues Pollard, "to witness the animation which he designed to produce, and spoke of it with exciting praises. 'How great the difference in one short week! Hope beams in every countenance. We now know in our hearts that this people must conquer its freedom or die!' It is remarkable that the Confederate Congress, a few days later, adopted the same adroit style of taking for granted a change of popular sentiment. In an address to the people, it declared: 'Thanks be to God, who controls and overrules the counsels of men, the haughty insolence of our enemies which they hoped would intimidate and break the spirit of our people is producing the very contrary effect.'"

And yet Pollard adduces testimony that for more than a year before the Hampton Roads Conference, leaders of the South, such as Governor Vance, of North Carolina, had been urging upon Davis "some effort at negotiation with the enemy" because of the sources of discontent at the South. "From the time the military fortunes of the Confederacy commenced to decline," writes Pollard, "and in exact inverse proportion to this decline, there had grown up a Peace Party in the South proposing in reality terms of submission, but scarcely venturing in public to do more than insist that the Richmond government should open negotiations with the enemy on the pretence, which it knew to be false but which served its purpose of deceiving the people, that terms much short of subjugation could be received."

The word "subjugation" as the policy of the United States toward the South meant the suppression of insurrection and rebellion. There is no evidence that President Lincoln ever thought of more than this. The National government never set out to conquer the South, but to overcome those in rebellion at the South. The Southern mind, however, early convinced itself that the North was bent upon invasion and conquest, and interpreting Northern

thought in accord with its own feelings toward the North imputed to the North a purpose of subjugating the Southern States: whence the notions of the enemies of the "Peace Party" at the South. Governor Vance and Jefferson Davis are represented by Pollard as belonging to a wing of the "Peace Party" that desired to open negotiations with the North only for the opportunity of demanding peace on the calculation that their demands would be rejected and that the North being thus represented as demanding "abject submission," and "the ruin of the South," the Southern war-spirit would be flamed into a new flame and the resolution to continue the war be strengthened. In brief, Pollard would have his readers believe that the Hampton Roads Conference was merely a device hit upon by Jefferson Davis to reawaken the military passions of the South.

When General Sherman took possession of Atlanta, September 2d, his army had accomplished the immediate object of the summer's campaign. He at once began transforming the place into a military stronghold. General Hood, in command of the Confederate army, was planning a march into Tennessee, confident that this would be successful and open an unobstructed way to the capture of the principal cities of the Northwest and a flank movement even upon Washington. Ceaseless skirmishing between the armies of Sherman and Hood and a score of battles followed during the next two months. Sherman was confident that General Thomas, at Nashville, could handle Hood and his army; he himself had planned a march across Georgia to the sea. He wrote a long letter to Grant explaining his purpose: "If we can march a well-appointed army right through his territory it is a demonstration to the world, foreign and domestic, that we have a power which Davis cannot resist. There are thousands of people abroad and in the South who will reason thus: If the North can march an army right through the South it is proof positive that the North can prevail in this contest. Mr. Lincoln's election, which is assured, coupled with the

conclusion thus reached, makes a complete logical whole." Whether he would reach Charleston or Savannah would depend upon the developments of the march. On November 10th he destroys mills, foundries and factories of all sorts at Rome; the wires connecting him with General Thomas and the North are cut, two days later. On the morning of the 16th, his army of 60,000 begins its march to the sea. Thomas is left to confront Hood's army. Sherman's march was the destruction of the resources of the Confederacy; his course was marked by fire and sword wherever the rebels made opposition. Multitudes of negroes hovered in the rear of the army and accompanied it on its march. On the Ogeechee River stood Fort McAllister. As Sherman's army approached it he was already in communication with the Union fleet. A small steamer from the fleet came up the river and signalled the inquiry whether the fort was taken. "Not yet," Sherman signalled back, "but it will be in a minute." The stronghold was immediately carried by assault. Sherman went on board the flagship, the *Harvest Moon*, and met Admiral Dahlgren. It was December 13th and the most important inland fort in Georgia now in possession of the Union, after one of the most remarkable assaults in military annals, quickly became a permanent military base, assuring communications between the army of the Cumberland and the fleet. General Hardee escaped with his army from Savannah and the city fell into Sherman's hands, December 22d: "I beg to present you as a Christmas gift," he wrote to President Lincoln, "the city of Savannah, with 150 heavy guns and plenty of ammunition; also about 25,000 bales of cotton." Grant wrote to Sherman: "If you capture the garrison of Savannah it will certainly compel Lee to detach from Richmond or give us nearly the whole South. My opinion is that Lee is averse to going out of Virginia; and if the cause of the South is lost he wants Richmond to be the last place surrendered. If he has such views it may be well to indulge him until we get everything else in our hands."

It was a strange sight in northwestern Georgia, in mid-November: two hostile armies marching away from each other—Sherman southward, Hood northward, and each for the same purpose—a deadly blow, the one to the Confederacy; the other, to the Nation. Sherman cut loose from Atlanta, leaving Thomas to deal with Hood. General Grant had doubts of the wisdom of leaving Hood's army behind, recommending to Sherman that he beat Hood first; but Sherman had no great respect for Hood's generalship and was confident that General Thomas was equal to the vast responsibility which Hood's army put upon him. In truth Sherman appreciated Thomas and Grant did not. It was Grant's confidence in Sherman, not his confidence in Thomas that won his consent to Sherman's march to the sea. At Franklin, Hood attacked Schofield with great fury and fought one of the bloodiest battles of the war, losing 6,252, of whom only 700 were not killed or wounded; General Schofield's loss was 2,326: the Confederates were checked and Schofield moved all his troops to Nashville under Thomas's order concentrating his scattered forces, which, in the aggregate were outnumbered by the Confederates. Hood pursued and sat down before Nashville, entrenching his army. Grant became impatient, expressing deeper and deeper dissatisfaction with Thomas that he did not immediately attack Hood. On December 9th he requested Halleck to relieve Thomas and put Schofield in command. Thomas calmly stated the reasons for his delay: the impossibility of getting his troops ready, and the storm of freezing rain which made an attack impossible. For six days the delay continued. Grant feared that Hood would escape and get his army to the Ohio River, thus compelling him to detach heavy forces from before Richmond. On the 11th and 12th, Thomas reported the whole country about Nashville covered with a sheet of ice making it impossible to move troops. Grant, yet more impatient, despatched Logan to relieve Thomas, and himself started for Nashville. The terrible storm compelled Hood's army to keep quiet. On

the 14th Thomas informed Halleck that the ice had melted and that he would attack Hood in the morning. He kept his word; the battle lasted two days; Hood's army was routed, practically wiped out as a fighting force. The loss in the Army of the Tennessee was 2,140; in Hood's army, 15,000. Thomas had won the most decisive victory of the war: and the victory was not the result of chance or accident—it was won precisely along the lines Thomas planned; it ranks him with the foremost soldiers of the age. Hood, gathering as best he could the fragments of his army,—an army of 50,000 when he superseded Johnston, but now reduced to a few thousand by death, capture, desertion and furloughs,—retreated southward into Mississippi, where within a few months his force disappeared by disbanding and surrender.

"Nashville," writes Colonel McClure, in his *Lincoln and Men of War Times*, "was the one battle of the war which was planned on the most thorough principles of military science and executed in its entirety with masterly skill; and it is the only great battle of our civil war that is studied in the military schools of the world because of the completeness of the military strategy exhibited by Thomas. There were no more battles to be fought in the Southwest after the battle of Nashville, as Thomas had left no enemy to confront him."

And speaking at length of Thomas, the author continues: "General Thomas's military record is one of the most remarkable to be found in the history of our civil conflict. He is one of the very few commanders who never committed a serious military error, who never sacrificed a command, and who never lost a battle. He was probably more cautious than Meade, but I doubt whether any man of all the generals of the war was better equipped for the supreme command of all our armies than George H. Thomas. He lacked Grant's persistent aggression, but Grant never lost a battle that Thomas would have fought, and never failed in an assault that Thomas would have ordered. His battle

at Mill Spring, fought on the 19th of January, 1862, with an army of entirely raw troops, was one of the first important victories of the war, and it directed the attention of the country to the great skill and energy of Thomas as a military commander. Soon after he was called to the command of one of the three wings of the army of Rosecrans, and in the bloody battle of Stone River his command played a most conspicuous part and contributed more than any other to the victory that was finally wrested from Bragg on that memorable field. Again his name called out the homage of every loyal heart as he and his brave warriors stood alone to resist the successful enemy on the sanguinary field of Chickamauga. He and he alone, saved the army from utter rout in that disastrous battle, and it led to his promotion to the command of the army as the successor of Rosecrans. In Sherman's great campaign from Chattanooga to Atlanta, Thomas was one of his most efficient lieutenants. So highly was he appreciated by Sherman that he was chosen from all of Sherman's subordinates to protect Sherman's rear by confronting Hood in Tennessee when Sherman started on his march to Savannah. When Sherman cut loose from his base of supplies and started on his romantic march through the heart of the rebellion, he left Thomas to give battle to Hood, knowing that Thomas would be outnumbered by the enemy, but entirely confident in Thomas's ability to maintain his position."

General Hood himself continued in the high favor of Jefferson Davis and was commissioned by him, even in the last hours of the Confederacy, to gather a new army in Texas, but was interrupted and prevented from carrying out his instructions by an event which befell General Lee at Appomattox.

While General Grant was at Washington on his way to Nashville he heard the news of Thomas's victory and turned back to Petersburg. Sherman at Savannah heard the news and felt the joy of well-placed confidence in Thomas. He knew that never again would a Confederate army invade

the West. The destruction of Hood's army and Sherman's march to the sea were but parts of a gigantic whole which Sherman had foreseen. The importance of the entire result could not be overestimated. President Lincoln, responding to Sherman's Christmas letter, wrote, December 26th:

"Many, many thanks for your Christmas gift, the capture of Savannah. When you were about leaving Atlanta for the Atlantic coast I was anxious, if not fearful; but feeling that you were the better judge, and remembering that 'nothing risked, nothing gained,' I did not interfere. Now, the undertaking being a success, the honor is all yours, for I believe that none of us went further than to acquiesce. And taking the work of General Thomas into the count, as it should be taken, it is, indeed, a great success. Not only does it afford the obvious and immediate military advantages, but in showing to the world that your army could be divided, putting the stronger part to an important new service, and yet leaving enough to vanquish the old opposing force of the whole—Hood's army—it brings those who sat in darkness to see a great light. But what next? I suppose it will be safe if I leave General Grant and yourself to decide. Please make my grateful acknowledgments to your whole army, officers and men."

Congress, by joint resolution, tendered the thanks of the Nation to Sherman, for his march to the sea, and to General Thomas, for the defeat of Hood's army, and to the men who had made the triumphs possible.

Had the operation of the National armies been kept up simply to conquer the South as rebellious provinces, the Civil War must have lacked the essential element of morality. The secessionists who precipitated the war announced their purpose to be the formation of a Slaveholding Confederacy—toward which events at the South had been moving for thirty years. At the moment of the formation of this Confederacy, its vice-president in a public address declared that slavery was its corner-stone. As the war continued the fact was developed that the strength of the Confederacy

lay in slavery, whence followed the necessity of attacking slavery as an ally of insurrection and rebellion. Lincoln had said nearly three years before the war that the Union could not exist half slave and half free: that it must become all the one or all the other. This philosophical statement South Carolina made one of the reasons why it seceded from the Union, and the summary of all the so-called "causes" of secession was the alleged hostility of the North to slavery at the South. The history of the United States down to the Civil War is of two sections—North and South, separated from each other because of economic differences caused by slavery. These differences led Jefferson Davis, at the time of the Hampton Roads Conference, to speak of North and South—of the Nation and the Confederacy, as "the two countries"; but did not prevent Lincoln, at the same time, speaking of North and South as "our common country." The North never thought of the United States as exclusive of the South; the South never thought of the Confederacy as inclusive of the North. The North knew little about the negro down to the Civil War, but its conception of morality compelled it to condemn slavery. The South began the war, striking the first blow, firing the first gun at Fort Sumter. In April, 1861, the mind of the North was not so set against slavery that its people would raise and equip armies for the purpose of abolishing slavery, but the party which elected Lincoln president, in 1860, was determined that slavery should not extend over the Territories. This determination was confronted by one equally determined at the South that slavery should extend over the Territories: and the Supreme Court sustained the right of the South to carry its property and have that property protected anywhere in the Union. Theories of the nature of the State governments, of the general government, of the relations of the States to the United States divided public opinion, but not by a geographical line: for the doctrine of State sovereignty found as many followers at the North as at the South. The tariff question divided the country, but

not geographically, for anti-tariff men were in the North as well as in the South. It was when slavery was identified with State sovereignty and free-trade that the geographical line began to appear: and the geographical line was fixed by the laws of climate. No sooner was the Civil War begun than proof was abundant that State sovereignty and free-trade ideas really signified little at the South: for the Confederacy soon enacted a protective tariff law, and the Richmond government fell into continuous contention with North Carolina and Georgia over State sovereignty: but from first to last the Confederacy and its parts, the States, defended slavery, labored to stand out before the world as the embodiment of the true idea of government, a slaveholding republic, and resented above all other acts, those acts of the National government which confiscated slaves, authorized negro regiments, and proclaimed slaves free in districts of the country in rebellion. True, at the eleventh hour the Confederacy attempted to arm the slaves in its defense, but the idea was repugnant to the South and proved impracticable. The slaves were the domestic animals of the South: property, chattels, instruments of resource, bread-makers: powerful primary forces. It was inevitable as it was necessary from a military consideration that the National government should attack slavery.

The course pursued in this attack is outlined in my *Short Constitutional History of the United States* as follows:

"Congress, by law, August 6, 1861, confiscated rebel property; the ownership of slaves employed against the authority of the United States was declared forfeited.

"General John C. Frémont issued a proclamation, August 30th, emancipating all slaves, the property, real or personal, of persons in Missouri who had taken up arms against the United States, or given its enemies aid or comfort. This proclamation was modified, by order of the president, so as to conform to the confiscation act of the 6th of August.

"Compensatory emancipation was urged upon Congress by the president, in November; Delaware refused to

attempt it, likewise Maryland, Virginia, Kentucky and Missouri.

"In April, the United States and Great Britain concluded a treaty at Washington for the suppression of the slave trade.

"General David Hunter, on May 9th, declared forever free the slaves in Georgia, Florida, and South Carolina. The president ten days later repudiated the order officially.

"Congress abolished slavery in all the Territories of the United States, June 19, 1862.

"On June 26th, Congress abolished slavery in the District of Columbia, and repealed the law which excluded negro witnesses in judicial proceedings.

"In July, Congress emancipated all slaves who escaped from masters engaged in insurrection. The president was authorized to employ freedmen in the suppression of the rebellion.

"President Lincoln issued his preliminary emancipation proclamation, September 22, 1862, that all persons held as slaves within any State the people of which should be in rebellion against the United States on the 1st of January, 1863, should be 'then, thenceforward, and forever free.' The final proclamation followed in January.

"West Virginia, organized as a State during the period from May, 1861, to June, 1863, was admitted into the Union (June 19, 1863). Though a slaveholding State, its constitution provided for gradual emancipation. The importation of slaves into the State was forbidden."

West Virginia organized as a free State, abolishing slavery by gradual emancipation. The gradual occupation of the Confederate States by the Union armies increased the number of freedmen and gave, as Confederate writers expressed it, "a permanent shock to slavery." National authority at the South was incompatible with slavery, as was speedily demonstrated by the course of events. The president by his amnesty proclamations had defined the reasonable terms upon which the people of the States in rebellion could organize loyal governments. The first State to act

was Arkansas, whose people assembled in Convention at Little Rock, January 8, 1864, and two weeks later abolished slavery, organizing the while a loyal government. On April 11th, the Pierpoint government at Alexandria, Virginia, representing the loyal people of that State, abolished slavery.

On March 4th, Michael Hahn was inaugurated the first free-State governor of Louisiana. It was to Governor Hahn that Lincoln wrote, a week later: "Now you are about to have a convention, which, among other things, will prepare and define the elective franchise. I barely suggest, for your private consideration, whether some of the colored people may not be let in; as, for instance, the very intelligent, and especially those who have fought so gallantly in our ranks. They would probably help in some trying time to come, to keep the jewel of liberty within the family of freedom." This was the first suggestion by the president of negro suffrage. The Convention which assembled on April 6th, after a stormy session, abolished slavery, on the 11th; and framed a constitution which empowered the legislature to admit negroes to the suffrage on the plan suggested by Lincoln.

While the Baltimore Convention which renominated Lincoln was in session, and was considering the clause in its platform in favor of a constitutional amendment abolishing slavery, the State Constitutional Convention also assembled, and on June 16th, just a week after the Republican National Convention adopted its platform, adopted a clause for its new constitution declaring the paramount authority of the Constitution and laws of the United States. On the 24th, the Convention adopted a clause abolishing slavery in the State: the new constitution was submitted to the electors and ratified by the meagre majority of 375, the anti-slavery vote of the Maryland soldiers in the Union army at the front.

At the time that Maryland was revising its organic law and abolishing slavery, the people of Nevada were assembled

in Convention at Carson City, framing a new constitution to submit to Congress for their admission as a State. The new constitution forbade slavery and adopted the doctrine of the paramount authority of the Constitution and laws of the United States; it went further, by declaring in its bill of rights that "the Constitution of the United States confers full power on the Federal government to maintain and perpetuate its existence, and that whosoever any portion of the States, or people thereof, attempt to secede from the Federal Union, or forcibly resist the execution of its laws, the Federal government may, by warrant of the Constitution, employ armed force in compelling obedience to its authority." This was the annihilation of the doctrine of State sovereignty and remains the single declaration of the kind in a State constitution. Nevada adopted the doctrine of paramount authority of the National government six months before that doctrine was promulgated by the National Republican Convention at Baltimore, and introduced it into its constitution a year before it was adopted in Maryland. Nevada was admitted into the Union, October 31, 1864: the thirty-sixth State. It was the twenty-sixth to abolish slavery. Abolition by Nevada expressed the unanimous will of its people, but Congress, in the enabling act authorizing its people to frame a constitution, made religious freedom and the prohibition of slavery the conditions of admission.

Thus while Sherman and Thomas and Grant were winning victories for freedom in the field, a civil transformation was in process in the Nation: the Nation's mind was changing and expressing itself in the organic laws of the States in favor of the abolition of slavery.

On January 14, 1865, Tennessee adopted a constitutional amendment abolishing slavery; five days before, Missouri, after more than two years' discussion, had done the same. The accession of Tennessee to the list of free States gave twenty-seven, the number requisite to ratify an amendment to the National Constitution abolishing slavery. President

Lincoln, in his message to Congress, in December, 1864, referred to the amendment which had been defeated in the House of Representatives, May 31st of that year. It had passed the Senate by more than a two-thirds' vote, but in the House it encountered many obstacles of which the chief was the unwillingness of the members to take from the States the right to fix the status of the negro: to assume the right of the National government to control the domestic affairs of the States. This vote was reached just a week before the assembling of the National Republican Convention at Baltimore. It has already been recorded with what enthusiasm the delegates received the words of its presiding officer, Edwin D. Morgan, of New York, that it would fall far short of its mission unless it should declare for an amendment abolishing slavery: words spoken at the immediate instance of Lincoln. The people were changing their mind respecting slavery and the rights and duties of the National government toward it, as was reflected in the elections in November: a majority of the newly elected Representatives coming fresh from the people and under tacit instruction to favor the amendment. On January 31st, the House voted to reconsider its action on the amendment in June and having reconsidered it, carried the joint resolution by a vote of 119 to 5; 8 not voting. Seventeen Democrats supported the resolution, and among those who voted for it were nineteen Representatives from the border States. The vote was cast at 4 o'clock in the afternoon of the last day of January, 1865. The House adjourned in honor of the event and a hundred guns were fired to commemorate it. But this noisy salute, pealing over the city of Washington, was a faint echo to the numberless guns which had been fired at the front since the outbreak of the war, almost without the consciousness of the soldiers, and of the people at the North pursuing their usual avocations, that the moral purpose of the war was the abolition of slavery.

On the night after Congress adopted the resolution, a company of citizens, with music, formed a procession

to the White House to congratulate the president. He made a brief speech to them in which he analyzed the situation and pointed out the consequences of the final ratification of the amendment:

"He supposed the passage through Congress of the Constitutional Amendment for the abolition of slavery throughout the United States was the occasion to which he was indebted for the honor of this call. The occasion was one of congratulation to the country and to the whole world. But there is a task before us—to go forward and have consummated by the votes of the States that which Congress had so nobly begun yesterday. He had the honor to inform those present that Illinois had already done the work. Maryland was about half through, but he felt proud that Illinois was a little ahead. He thought this measure was a very fitting if not an indispensable adjunct to the winding up of the great difficulty. He wished the reunion of all the States perfected, and so effected as to remove all causes of disturbance in the future; and to attain this end it was necessary that the original disturbing cause should, if possible, be rooted out. He thought all would bear him witness that he had never shrunk from doing all that he could to eradicate slavery, by issuing an Emancipation Proclamation. But that proclamation falls far short of what the amendment will be when fully consummated. A question might be raised whether the proclamation was legally valid. It might be urged that it only aided those that came into our lines, and that it was inoperative as to those who did not give themselves up; or that it would have no effect upon the children of slaves born hereafter; in fact, it would be urged that it did not meet the evil. But this amendment is a king's cure-all for all the evils. It winds the whole thing up. He would repeat that it was the fitting, if not the indispensable, adjunct to the consummation of the great game we are playing. He could not but congratulate all present—himself, the country and the whole world —upon this great moral victory."

On the morning when Lincoln became president of the United States and shortly before he took the oath of office, James Buchanan had affixed his signature—probably his last official act—to a proposed Thirteenth Amendment making slavery perpetual; President Lincoln signed this amendment of which he now spoke, that became the Thirteenth to the Constitution: and in a peculiar sense he may be said to be its author—though it reflected the mind of the Nation, marking most solemnly that change in a state of mind which for generations had kept the United States a slaveholding Republic.

The response of the State legislatures to the amendment was prompt: before February was past seventeen States ratified it—Illinois, Rhode Island, Michigan, Maryland, New York, West Virginia, Maine, Kansas, Massachusetts, Pennsylvania, Virginia, Ohio, Missouri, Indiana, Nevada, Louisiana, and Minnesota. Wisconsin and Vermont followed in March; Tennessee and Arkansas in April; Connecticut in May; New Hampshire in July; South Carolina in November; Alabama, North Carolina, Georgia, Oregon, California, Florida in December; New Jersey and Iowa in January, 1866, and Texas in February, 1870. On December 18th, Secretary Seward proclaimed that the legislatures of twenty-seven States, constituting three-fourths of the thirty-six States of the Union, had ratified the amendment and that it had become a valid part of the Constitution of the United States.

"The profound political transformation which the American Republic had undergone," remark Nicolay and Hay, "can perhaps best be measured by contrasting for an instant the two constitutional amendments which Congress made it the duty of the Lincoln administration to submit officially to the several States. The first was that offered by Thomas Corwin, chairman of the Committee of Thirty-three, in February, 1861, and passed by the House of Representatives, yeas, 133; nays, 65; and by the Senate, yeas, 24; nays, 12. It was signed by President Buchanan as one of his last

official acts, and accepted and endorsed by Lincoln in his inaugural address. The language of the amendment was:

"No amendment shall be made to the Constitution which shall authorize or give to Congress the power to abolish or interfere within any State with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State."

"Between Lincoln's inauguration and the outbreak of war, the Department of State, under Seward, transmitted this amendment of 1861 to the several States for their action; and had the South shown a willingness to desist from secession and accept it as a peace offering, there is little doubt that the required three-fourths of the States would have made it a part of the Constitution. But the South refused to halt in her rebellion, and the thunder of Beauregard's guns against Fort Sumter drove away all further thought or possibility of such a ratification; and within four years Congress framed and the same Lincoln administration sent forth the amendment of 1865, sweeping out of existence by one sentence the institution to which it had in its first proposal offered a virtual claim to perpetual recognition and tolerance. The 'new birth of freedom,' which Lincoln invoked for the nation in his Gettysburg address, was accomplished."

When Blair suggested to Jefferson Davis the suspension of hostilities and the co-operation of Confederate and Union armies against Maximilian and in the expulsion of the French from Mexico, under the hope that fighting a common enemy might make the fighters friends, he made known President Lincoln's willingness to permit a conference having for its purpose the peace of "our common country." Mr. Davis appears to have interpreted the visit as a sign of hope for the Confederacy. His agents at the Hampton Roads Conference expressed no intimation of willingness to make the only terms which Lincoln would accept and returned to Richmond in angry mood. The bellicose speeches which they delivered upon their arrival plainly revealed their state

of mind, but in fiery passion fell far short of the speech Davis himself made. "I spoke always of two countries; Mr. Lincoln spoke of a common country. I can have no common country with the Yankees. My life is bound up with the Confederacy; and if any man supposes that under any circumstances I can be an agent of the reconstruction of the Union he mistakes every element of my nature. With the Confederacy I will live or die. Thank God, I represent a people too proud to eat the leek or bow the neck to mortal man." At the moment of this frenzied utterance, Davis had official reports from General Lee that his army was without sufficient food and clothing, and the Confederate War Department was bankrupt and quite powerless.

In contrast to the spirit Davis was simulating or stimulating at Richmond was Lincoln's purpose, at Washington, expressed in a proposal he read to the Cabinet on the evening of February 5th; he invited their opinion on a message to Congress and a proclamation which he desired to issue: that Congress should empower him to pay \$400,000,000 to the several Confederate States, to be distributed among them pro rata on their respective slave populations, shown by the census of 1860, on their abandonment of all resistance to the National authority and their ratification of the Thirteenth Amendment abolishing slavery: whereupon the war should cease, the armies be disbanded, all political offenses be pardoned, and all property, except slaves, liable to confiscation or forfeiture, be released to its rightful owners.

History presents no greater contrast than that of the magnanimity of Lincoln and the malignity of Jefferson Davis. Lincoln's proposal was not favored by the Cabinet, who did not hesitate to declare doubt whether Congress would accept it: Lincoln himself endorsed on the manuscript draft "unanimously disapproved." But the desire of the president cannot be misunderstood, nor the spirit in which he would have undertaken the work of reconstruction had he been spared to direct it.

The generous spirit of the North, refined, perhaps by Lincoln himself, breathes through the inaugural address with which he began his second term as president, on the 4th of March:

"At this second appearing to take the oath of the presidential office, there is less occasion for an extended address than there was at the first. Then, a statement, somewhat in detail, of a course to be pursued, seemed fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the nation, little that is new could be presented. The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself; and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

"On the occasion corresponding to this four years ago, all thoughts were anxiously directed to an impending civil war. All dreaded it—sought to avert it. While the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy it without war—seeking to dissolve the Union, and divide effects by negotiation. Both parties deprecated war; but one of them would make war rather than let the nation survive; and the other would accept war rather than let it perish. And the war came.

"One-eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was, somehow, the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union, even by war; while the government claimed no right to do more than to restrict the territorial enlargement of it. Neither party expected

for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with, or even before, the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible, and pray to the same God; and each invokes His aid against the other. It may seem strange that any man should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces; but let us judge not, that we be not judged. The prayers of both could not be answered—that of neither has been answered fully. The Almighty has His own purposes. 'Woe unto the world because of offenses! for it must needs be that offenses come; but woe to that man by whom the offense cometh.' If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war, as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope—fervently do we pray—that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop drawn with the lash shall be paid by another drawn by the sword, as was said three thousand years ago, so still it must be said: 'The judgments of the Lord are true and righteous altogether.'

"With malice towards none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations."

This noble utterance expressed the best thought of the North, with deepest interpretation of the Civil War—the cause of the war and the immediate duty of the American people to bring that war to a speedy end and the Nation to its own.

The collapse of the Confederacy was now swiftly approaching. Sherman did not long delay at Savannah, but on February 1st started northward with his army, for Goldsborough, North Carolina, which he reached, March 23d: a march of fifty days and 425 miles. The army destroyed property as on the march through Georgia. Columbia, the capital, was burned despite the efforts of Colonel Stone, of the Union army, to prevent it: but the place was filled with drunken soldiers and negroes. On February 18th, while yet Columbia was burning, the Confederates evacuated Charleston, first setting fire to the city. As South Carolina had led the way in secession and brought on the war, Sherman's soldiers felt harshly toward its people, and the stragglers did not refrain from many acts of pillage and wanton destruction. They who had precipitated war were now tasting war. General Sherman forbade outrage and pillage and many soldiers were punished for attempting such acts. Throughout Sherman's long march, from Atlanta, as Sherman himself testified, he heard of but two cases of rape. But the destruction wrought by his army cannot be easily estimated or described. It was war in its fiercest aspect to a people engaged as were those of the interior of the South, in peaceful pursuits—raising food and supplies for themselves and the soldiers they had sent to the Confederacy. On March 11th, Sherman was at Fayetteville and immediately communicated with General Grant; the commanding general and the secretary of war had followed his march with the aid of the Richmond papers, but until March 8th had not had direct word from him. Fayetteville contained an arsenal which Sherman destroyed, as he had destroyed arsenals at Cheraw and Columbia. He had also destroyed the railroad system of the two States

through which he had passed, thus cutting off Lee's supplies from the lower South.

On February 23d, General Joseph E. Johnston, at the time residing in Lincolnton, North Carolina, received orders from Richmond, and from General Lee, recently made general-in-chief of the Confederate armies, to assume command of the Army of Tennessee and all troops in the Department of South Carolina, Georgia and Florida, and to "concentrate all available forces and drive back Sherman." This appointment was made by Davis at the insistence of public opinion at the South, and not with any diminution of the antagonism which existed between the two men. It was Lee, not Davis, who finally made the appointment. From the time of his reappointment, however, the holiday trip of Sherman's army was over and serious fighting began. At City Point, March 27th, Sherman met Grant and Lincoln. Grant and Sherman, in reply to Lincoln's wish that another battle might be avoided, agreed in the opinion that one last bloody battle must be fought unless Davis and General Lee decreed otherwise.

"Grant appears at his best," writes the historian Rhodes, "in the final operations of his army. He is the Grant of Donelson, Vicksburg and Chattanooga, with the judgment developed through larger experience and the discipline of adversity. The full reports and detailed despatches admit us to the actual operations of his mind as he surveys the vast field over which his armies, always in touch with him, move to their several tasks in his grand strategy. He combined self-confidence with caution. He did not underestimate his enemy; he did not, as he perceived the successful operation of his plans, give way to elation, thinking the work was done when it was only half done. But he was not so cautious that he did not move forward boldly without fear of the result. In Sherman and Sheridan he had helpers on whom he could rely as if each were another self. Seeing things alike they were in complete sympathy with him; they comprehended his orders and carried them out in letter and

in spirit as did no other of his subordinates. Sherman's marching and fighting were now over, but Sheridan was to be to Grant a prop and a weapon such as Stonewall Jackson had been to Lee in his earlier campaigns. With the force immediately under him Grant had, besides Sheridan, an efficient coadjutor in Meade, and good corps commanders in Warren, Humphreys, Ord, Wright and Parke. At the commencement of the Appomattox campaign he had in this army 113,000 men while Lee mustered 49,000."

On March 29th, Grant began his "movement by the left" and by night had an unbroken line from Dinwiddie Court House to the Appomattox River. He wrote Sheridan: "I feel now like ending the matter if it is possible to do so without going back." On April 1st, Sheridan dealt the Confederates a fatal blow in the battle of Five Forks. Lee evacuated Petersburg and Richmond next day. Jefferson Davis was at St. Paul's Church, Sunday, April 2d, and the clergyman had read the prayer for the President of the Confederacy, when a messenger brought news from the War Department of the disaster which had befallen Lee at Five Forks and the general's advice to abandon Richmond. The remainder of the day was spent by Davis and his Cabinet in preparations for flight; at 11 o'clock that night the Confederate government was speeding southward over the Richmond and Danville road, reaching Danville in safety about twenty-four hours later. General Lee had given orders that all stores that could not be removed from Richmond should be burned, and early in the morning, April 3d, the city was on fire and given over to plunder. When the Union troops under General Weitzel entered the city, between eight and nine in the morning, their first effort was to fight the flames and restore order, but before this was effected much of the city had been destroyed. Lincoln was at City Point when news came of the evacuation of Richmond and Petersburg and he immediately went to the latter place, remained with Grant an hour and a half, and announced to Stanton that he would go to Richmond next day. His

visit to Richmond on the 4th was thirty-six hours after Davis had left. "Never in the history of the world," remark Nicolay and Hay, "did the head of a mighty nation and the conqueror of a great rebellion enter the captured chief city of the insurgents in such humbleness and simplicity. As the party stepped from the barge, they found a guide among the contrabands who quickly crowded the streets; for the probable coming of the president had been circulated through the city. Ten of the sailors, armed with carbines, were formed as a guard, six in front and four in rear, and between these the party, consisting of the President, Admiral Porter, Captain C. B. Penrose of the army, Captain A. H. Adams of the navy, and Lieutenant W. W. Clemens of the signal corps, placed themselves, all being on foot; and in this order the improvised street procession walked a distance of perhaps a mile and a half to the centre of Richmond." The president passed the night in Richmond and returned to City Point next morning.

Lee's army was surrounded; Sheridan was in possession of the Richmond and Danville railroad which had both brought supplies to the Confederates and kept open a way of retreat southward. Many accounts of what followed have been written. Grant clearly saw the end; Lee still indulged in the illusion of escape or of a junction with Johnston's army and an indefinite prolongation of the war. On the 7th a number of his general officers made known to him through one of their number their belief that further resistance was useless. General Lee thought it too soon, and his army too strong to surrender; and he did not like to open negotiations. General Grant, desiring to stop the useless strife, sent Lee this summons on the 7th:

"The results of the last week must convince you of the hopelessness of further resistance on the part of the army of Northern Virginia in this struggle. I feel that it is so, and regard it as my duty to shift from myself the responsibility of any further effusion of blood, by asking of you

the surrender of that portion of the Confederate States army known as the Army of Northern Virginia."

General Lee replied, expressing a contrary opinion of the hopelessness of his cause and asking Grant's terms.

That night Lee's army attempted to escape to Lynchburg but was confronted by Sheridan's cavalry. Sheridan sent word to Grant, requesting immediate reinforcements of infantry so that he might "perhaps finish the job in the morning." Sheridan had no faith in Lee's intention of surrendering till compelled to. Grant had replied to Lee's letter:

"Peace being my great desire, there is but one condition I would insist upon, namely, that the men and officers surrendered shall be disqualified from taking up arms again against the government of the United States until properly exchanged. I will meet you, or will designate officers to meet any officers you may name for the purpose, at any point agreeable to you, for the purpose of arranging definitely the terms upon which the surrender of the Army of Northern Virginia will be received." This was written on the 8th.

Lee still hoped to reach Appomattox safely. He ordered that his army should push on westward, but answered Grant's letter as follows:

"I received at a late hour your note of to-day. In mine of yesterday I did not intend to propose the surrender of the Army of Northern Virginia, but to ask the terms of your proposition. To be frank, I do not think the emergency has arisen to call for the surrender of this army; but as the restoration of peace should be the sole object of all, I desired to know whether your proposals would lead to that end. I cannot, therefore, meet you with a view to surrender the Army of Northern Virginia; but as far as your proposal may affect the Confederate States forces under my command, and to tend to the restoration of peace, I should be pleased to meet you at 10 A. M. to-morrow, on the old stage road to Richmond, between the picket lines of the two armies."

General Grant having no authority to treat on the subject of peace, so informed General Lee on the morning of the 9th. Lincoln, on March 3d, had expressly forbidden Grant to enter into any sort of political negotiation. But he now added an expression of his own desire for peace, and the saving of life and property which its early consummation must effect. This letter he sent to Lee and then himself rode forward to join Sheridan. General Lee found his line of retreat barred by infantry and cavalry.

"The appalling tidings were instantly carried to Lee," write Nicolay and Hay. "He at once sent orders to cease hostilities, and suddenly brought to a sense of his real situation, sent a note to Grant, asking an interview in accordance with the offer contained in Grant's letter of the 8th for the surrender of his army. Grant had created the emergency calling for such action. As Sheridan was about to charge on the huddled mass of astonished horse and foot in front of him a flag of truce was displayed, and the war was at an end. The Army of Northern Virginia was already captured. 'I've got 'em, like that!' cried Sheridan, doubling up his fist, fearful of some ruse or evasion in the white flag. The Army of the Potomac on the north and east, Sheridan and Ord on the south and west, completely encircled the demoralized and crumbled army of Lee. There was not another day's fighting in them. That morning at three o'clock Gordon had sent word to Lee that he had fought his corps 'to a frazzle,' and could do nothing more unless heavily supported by Longstreet. Lee and his army were prisoners of war before he and Grant met at Appomattox.

"The meeting took place at the house of Wilmer McClean, in the edge of the village. Lee met Grant at the threshold, and ushered him into a small and barely furnished parlor, where were soon assembled the leading officers of the National army. General Lee was accompanied only by his secretary, Colonel Charles Marshall. A short conversation led up to a request from Lee for the terms on which

the surrender of the army would be received. Grant briefly stated the terms which would be accorded. Lee acceded to them, and Grant wrote the following letter:

"In accordance with the substance of my letter to you of the 8th inst., I propose to receive the surrender of the Army of Northern Virginia on the following terms, to wit: Rolls of all the officers and men to be made out in duplicate, one copy to be given to an officer designated by me, the other to be retained by such officer or officers as you may designate. The officers to give their individual paroles not to take up arms against the government of the United States until properly exchanged; and each company or regimental commander to sign a like parole for the men of their commands. The arms, artillery, and public property to be parked and stacked, and turned over to the officer appointed by me to receive them. This will not embrace the side-arms of the officers, nor their private horses or baggage. This done, each officer and man will be allowed to return to their homes not to be disturbed by the United States authority so long as they observe their parole and the laws in force where they may reside.'

"General Grant says in his 'Memoirs' that up to the moment when he put pen to paper he had not thought of a word that he should write. The terms he had verbally proposed, and which Lee had accepted, were soon put in writing, and there he might have stopped. But as he wrote, a feeling of sympathy for his gallant antagonist gradually came over him, and he added the extremely liberal terms with which his letter closed. The sight of Lee's sword, an especially fine one, suggested the paragraph allowing officers to retain their side-arms; and he ended with a phrase which he had evidently not thought of, and for which he had no authority, which practically pardoned and amnestyed every man in Lee's army—a thing he had refused to consider the day before, and which had been expressly forbidden him in President Lincoln's order of the 3d of March. Yet so great was the joy over the crowning

victory, so deep was the gratitude of the government and the people to Grant and his heroic army, that his terms were accepted as he wrote them, and his exercise of the executive prerogative of pardon was entirely overlooked. It must be noticed here, however, as a few days later it led the greatest of Grant's generals into a serious error.

"Lee must have read the memorandum of terms with as much surprise as gratification. He said the permission for officers to retain their side-arms would have a happy effect."

The interview is described further by General Horace Porter, who was present:

"There is one thing I should like to mention," said General Lee, after reading Grant's proposition. "The cavalry-men and artillerists own their own horses in our army. Its organization in this respect differs from that of the United States. I should like to understand whether these men will be permitted to retain their horses."

"You will find that the terms as written do not allow this," General Grant replied; "only the officers are permitted to take their private property."

"Lee read over the second page of the letter again, and then said: 'No, I see the terms do not allow it; that is clear.' His face showed plainly that he was quite anxious to have this concession made; and Grant said very promptly, and without giving Lee time to make a direct request:

"Well, the subject is quite new to me. Of course I did not know that any private soldiers owned their animals; but I think we have fought the last battle of the war—I sincerely hope so—and that the surrender of this army will be followed soon by that of all the others; and I take it that most of the men in the ranks are small farmers, and as the country has been so raided by the two armies, it is doubtful whether they will be able to put in a crop to carry themselves and their families through the next winter without the aid of the horses they are now riding, and I will arrange it in this way. I will not change the terms

as now written, but I will instruct the officers I shall appoint to receive the paroles to let all the men who claim to own a horse or mule take the animals home with them to work their little farms.'

"Lee now looked greatly relieved, and though anything but a demonstrative man, he gave every evidence of his appreciation of the concession, and said: 'This will have the best possible effect upon the men. It will be very gratifying, and will do much toward conciliating our people.'"

"He then remarked," continue Nicolay and Hay, "that his army was in a starving condition, and asked Grant to provide them with subsistence and forage, to which he at once assented, and asked for how many men the rations would be wanted. Lee answered, 'about twenty-five thousand,' and orders were at once given to issue them. The number surrendered turned out to be even larger than this. The paroles signed amounted to 28,231. If we add to this the captures at Five Forks, Petersburg, and Sailor's Creek, the thousands who deserted the failing cause at every by-road leading to their homes, and filled every wood and thicket between Richmond and Lynchburg, we can see how considerable an army Lee commanded when Grant 'started out gunning.' Yet every Confederate writer, speaker and singer who refers to the surrender says, and will say forever, that Lee surrendered only seven thousand muskets.

"With these brief and simple formalities one of the most momentous transactions of modern times was concluded. The news soon transpired, and the Union gunners prepared to fire a National salute, but Grant would not permit it. He forbade any rejoicing over a fallen enemy, who he hoped would hereafter be an enemy no longer. The next day he rode to the Confederate lines to make a visit of farewell to General Lee. Sitting on horseback between the two lines, the two heroes of the war held a friendly conversation. Lee considered the war at an end, slavery dead, the National authority restored; Johnston must now

surrender—the sooner the better. Grant urged him to make a public appeal to hasten the return of peace; but Lee, true to his ideas of subordination to a government which had ceased to exist, said he could not do this without consulting the Confederate president. They parted with courteous good wishes, and Grant, without pausing to look at the city he had taken or the enormous system of works which had so long held him at bay, intent only on reaping the peaceful results of his colossal victory, and putting an end to the waste and burden of war, hurried away to Washington to do what he could for this practical and beneficent purpose. He had done an inestimable service to the Republic: he had won immortal honor for himself; but neither then nor at any subsequent period of his life was there any sign in his words or his bearing of the least touch of vainglory. The day after Appomattox he was as simple, modest, and unassuming a citizen as he was the day before Sumter."

Military authorities will continue to differ over the abilities of the two commanders, Lee and Grant. "Having spoken freely of the mistakes of Grant in the Virginia campaign of 1864," writes the historian Rhodes, in his summary of the opinions of military critics, as well as of his own, "I must in candor express the opinion that in these final operations he outgeneraled Lee. The conditions were not unequal; 49,000 men opposed 113,000 and the game was escape or surrender. Lee's force was dispersed by defeat, weakened by captures, and the shattered and discouraged remnant of it was forced to capitulate. That Lee was outgeneraled in this Appomattox campaign is a judgment supported by the intimations of some Confederate writers, that if everything had been managed properly the Army of Northern Virginia might have eluded surrender and protracted the war."

But as the news overspread the North that Lee had surrendered, the people responded with heartfelt rejoicing. Every city, town and village, the farmhouses, the humblest

cottage were gay with flags. Cannon were fired, anvils roared, bands of music paraded the streets, and speakers of every degree of eloquence addressed the people. The North was weary of war. At the churches the people assembled in special service: there was the touch of devout relief and the outpouring of praise to God that peace had come. "The news, my dear Charles," wrote James Russell Lowell to his friend Norton, "is from Heaven. I felt a strange and tender exaltation. I wanted to laugh and I wanted to cry, and ended by holding my peace and feeling devoutly thankful. There is something magnificent in having a country to love."

On the evening of April 11th, a great company of people gathered before the White House to congratulate the president and to rejoice with him, and to them he made an address, the last public address of his life.

"We meet this evening not in sorrow, but in gladness of heart. The evacuation of Petersburg and Richmond, and the surrender of the principal insurgent army, give hope of a righteous and speedy peace, whose joyous expression cannot be restrained. In the midst of this, however, He from whom all blessings flow must not be forgotten. A call for a national thanksgiving is being prepared, and will be duly promulgated. Nor must those whose harder part gives us the cause of rejoicing be overlooked. Their honors must not be parceled out with others. I myself was near the front, and had the high pleasure of transmitting much of the good news to you; but no part of the honor for plan or execution is mine. To General Grant, his skilful officers and brave men, all belongs. The gallant navy stood ready, but was not in reach to take active part.

"By these recent successes the reinauguration of the National authority—reconstruction—which has had a large share of thought from the first, is pressed much more closely upon our attention. It is fraught with great difficulty. Unlike a case of war between independent nations, there is no authorized organ for us to treat with—no one

man has authority to give up the rebellion for any other man. We simply must begin with and mold from disorganized and discordant elements. Nor is it a small additional embarrassment that we, the loyal people, differ among ourselves as to the mode, manner, and measure of reconstruction. As a general rule, I abstain from reading the reports of attacks upon myself, wishing not to be provoked by that to which I cannot properly offer answer. In spite of this precaution, however, it comes to my knowledge that I am much censured for some supposed agency in setting up and seeking to sustain the new State government of Louisiana.

"In this I have done just so much as, and no more than, the public knows. In the annual message of December, 1863, and in the accompanying proclamation, I presented a plan of reconstruction, as the phrase goes, which I promised, if adopted by any State, should be acceptable to and sustained by the executive government of the nation. I distinctly stated that this was not the only plan which might possibly be acceptable, and I also distinctly protested that the executive claimed no right to say when or whether members should be admitted to seats in Congress from such States. This plan was in advance submitted to the then Cabinet, and distinctly approved by every member of it. One of them suggested that I should then and in that connection apply the Emancipation Proclamation to the theretofore excepted parts of Virginia and Louisiana; that I should drop the suggestion about apprenticeship for freed people, and that I should omit the protest against my own power in regard to the admission of members of Congress. But even he approved every part and parcel of the plan which has since been employed or touched by the action of Louisiana. The new constitution of Louisiana, declaring emancipation for the whole State, practically applies the proclamation to the part previously excepted."

He then discussed the details of Louisiana affairs and the government of that State.

"As to sustaining (that government) my promise is out, as before stated. But as bad promises are better broken than kept, I shall treat this as a bad promise, and break it whenever I shall be convinced that keeping it is adverse to the public interest; but I have not yet been so convinced. I have been shown a letter on this subject, supposed to be an able one, in which the writer expresses regret that my mind has not seemed to be definitely fixed on the question whether the seceded States, so-called, are in the Union or out of it. It would perhaps add astonishment to his regret were he to learn that since I have found professed Union men endeavoring to make that question, I have purposely forbore any public expression upon it. As appears to me, that question has not been, nor yet is, a practically material one, and that any discussion of it, while it thus remains practically immaterial, could have no effect other than the mischievous one of dividing our friends. As yet, whatever it may hereafter become, that question is bad as the basis of a controversy, and good for nothing at all—a merely pernicious abstraction.

"We all agree that the seceded States, so-called, are out of their practical relation with the Union, and that the sole object of the government, civil and military, in regard to those States is to again get them into that proper practical relation. I believe that it is not only possible, but in fact easier, to do this without deciding or even considering whether these States have ever been out of the Union, than with it. Finding themselves safely at home, it would be utterly immaterial whether they had ever been abroad. Let us all join in doing the acts necessary to restoring the proper practical relations between these States and the Union, and each forever after innocently indulge his own opinion whether in doing the acts he brought the States from without into the Union, or only gave them proper assistance, they never having been out of it. The amount of constituency, so to speak, on which the new Louisiana government rests, would be more satisfactory to all if it contained

50,000 or 30,000, or even 20,000, instead of only about 12,000, as it does. It is also unsatisfactory to some that the elective franchise is not given to the colored man. I would myself prefer that it were now conferred on the very intelligent, and on those who serve our cause as soldiers.

"Still, the question is not whether the Louisiana government, as it stands, is quite all that is desirable. The question is, will it be wiser to take it as it is and help to improve it, or to reject and disperse it? Can Louisiana be brought into proper practical relation with the Union sooner by sustaining or by discarding her new State government? Some 12,000 voters in the heretofore slave State of Louisiana have sworn allegiance to the Union, assumed to be the rightful political power of the State, adopted a free-State constitution, given the benefit of public schools equally to black and white, and empowered the legislature to confer the elective franchise upon the colored man. Their legislature has already voted to ratify the constitutional amendment recently passed by Congress, abolishing slavery throughout the nation. These 12,000 persons are thus fully committed to the Union and to perpetual freedom in the State—committed to the very things, and nearly all the things, the nation wants—and they ask the nation's recognition and its assistance to make good their committal.

"Now, if we reject and spurn them, we do our utmost to disorganize and disperse them. We, in effect, say to the white man: You are worthless or worse; we will neither help you, nor be helped by you. To the blacks we say: This cup of liberty which these, your old masters, hold to your lips we will dash from you, and leave you to the chances of gathering the spilled and scattered contents in some vague and undefined when, where, and how. If this course, discouraging and paralyzing both white and black, has any tendency to bring Louisiana into proper practical relations with the Union, I have so far been unable to perceive it. If, on the contrary, we recognize and sustain the new government of Louisiana, the converse of all this is

made true. We encourage the hearts and nerve the arms of the 12,000 to adhere to their work, and argue for it, and proselyte for it, and fight for it, and feed it, and grow it, and ripen it to complete success. The colored man, too, in seeing all united for him, is inspired with vigilance, and energy, and daring, to the same end. Grant that he desires the elective franchise, will he not attain it sooner by saving the already advanced steps toward it than by running backward over them? Concede that the new government of Louisiana is only to what it should be as the egg is to the fowl, we shall sooner have the fowl by hatching the egg than by smashing it.

"Again, if we reject Louisiana we also reject one vote in favor of the proposed amendment to the National Constitution. To meet this proposition it has been argued that no more than three-fourths of those States which have not attempted secession are necessary to validly ratify the amendment. I do not commit myself against this further than to say that such a ratification would be questionable, and sure to be persistently questioned, while a ratification by three-fourths of all the States would be unquestioned and unquestionable. I repeat the question: Can Louisiana be brought into proper practical relation with the Union sooner by sustaining or by discarding her new State government? What has been said of Louisiana will apply generally to the other States. And yet so great peculiarities pertain to each State, and withal so new and unprecedented is the whole case that no exclusive and inflexible plan can safely be prescribed as to details and collaterals. Such exclusive and inflexible plan would surely become a new entanglement. Important principles may and must be inflexible. In the present situation, as the phrase goes, it may be my duty to make some new announcement to the people of the South. I am considering, and shall not fail to act when satisfied that action will be proper."

This utterance remains Lincoln's exposition of his theory of reconstruction, about which biographers and historians

have differed. He gave a further hint of the spirit in which he would take up that difficult problem, at the Cabinet meeting, April 14th, the last he was permitted to hold. General Grant was present and expressed his anxiety to hear from Sherman and of the surrender of General Johnston. Lincoln remarked: "I have no doubt that favorable news will soon come for I had last night my usual dream which has preceded nearly every important event of the war. I seemed to be in a singular and indescribable vessel but always the same and to be moving with great rapidity toward a dark and indefinite shore." The matter of reconstruction was then discussed. "I think it providential," said Lincoln, "that this great rebellion is crushed just as Congress has adjourned and there are none of the disturbing elements of that body to hinder and embarrass us. If we are wise and discreet we shall reanimate the States and get their governments in successful operation, with order prevailing and the Union re-established before Congress comes together in December. I hope there will be no persecution, no bloody work after the war is over. No one need expect me to take any part in hanging or killing those men, even the worst of them. Frighten them out of the country, open the gates, let down the bars, scare them off (throwing up his hands as if scaring sheep). Enough lives have been sacrificed. We must extinguish our resentments if we expect harmony and union. There is too much of a desire on the part of some of our very good friends to be masters, to interfere with and dictate to those States, to treat the people not as fellow-citizens; there is too little respect for their rights. I do not sympathize in these feelings." And he added, reconstruction "is the great question pending and we must now begin to act in the interest of peace." Both Stanton and Welles have left accounts of this last Cabinet meeting: Lincoln was very cheerful; happy that the war was over, and desirous of the peaceful reorganization of government at the South. He spoke with kindness of General Lee and others of the Confederacy, manifesting "in

marked degree the humanity of his disposition and the tender and forgiving spirit that so eminently distinguished him."

"The 14th of April," write Nicolay and Hay, "was a day of deep and tranquil happiness throughout the United States. It was Good Friday, observed by a portion of the people as an occasion of fasting and religious meditation; but even among the most devout the great tidings of the preceding week exerted their joyous influence, and changed this period of traditional mourning into an occasion of general and profound thanksgiving. Peace, so strenuously fought for, so long sought and prayed for, with prayers uttered and unutterable, was at last near at hand, its dawn visible on the reddening hills. The sermons all day were full of gladness; the Misereres turned of themselves to Te Deums. The country from morning till evening was filled with a solemn joy; but the date was not to lose its awful significance in the calendar; at night it was claimed once more, and forever, by a world-wide sorrow.

"The thanksgiving of the nation found its principal expression at Charleston Harbor. A month before, after Sherman had 'conquered Charleston by turning his back upon it,' the government resolved that the flag of the Union should receive a conspicuous reparation on the spot where it had first been outraged. It was ordered by the president that General Robert Anderson should, at the hour of noon on the 14th day of April, raise above the ruins of Fort Sumter the identical flag lowered and saluted by him four years before. In the absence of General Sherman, the ceremonies were in charge of General Gillmore. Henry Ward Beecher, the most famous of the anti-slavery preachers of the North, was selected to deliver an oration. The surrender of Lee, the news of which arrived at Charleston on the eve of the ceremonies, gave a more transcendent importance to the celebration, which became at once the occasion of a national thanksgiving over the downfall of the rebellion. On the day fixed Charleston was filled with a

great concourse of distinguished officers and citizens. Its long-deserted streets were crowded with an eager multitude, and gay with innumerable flags, while the air was thrilled from an early hour with patriotic strains from the many bands, and shaken with the thunder of Dahlgren's fleet, which opened the day by firing from every vessel a national salute of twenty-one guns. By eleven o'clock a brilliant gathering of boats, ships, and steamers of every sort had assembled around the battered ruin of the fort; the whole bay seemed covered with the vast flotilla, planted with a forest of masts, whose foliage was the triumphant banners of the nation. The Rev. Matthias Harris, the same chaplain who had officiated at the raising of the flag over Sumter, at the first scene of the war, offered a prayer; Dr. Richard S. Storrs and the people read, in alternate verses, a selection of psalms of thanksgiving and victory, beginning with those marvellous words which have preserved for so many ages the very pulse and throb of the joy of redemption:

When the Lord turned again the captivity of Zion, we were like them that dream.

Then was our mouth filled with laughter, and our tongue with singing; then said they among the heathen, the Lord hath done great things for them.

The Lord hath done great things for us; whereof we are glad.
Turn again our captivity, O Lord, as the streams in the south.
They that sow in tears shall reap in joy.

He that goeth forth and weepeth, bearing precious seed, shall doubtless come again rejoicing, bringing his sheaves with him.

“And at the close, before the *Gloria*, the people and the minister read all together, in a voice that seemed to catch the inspiration of the hour:

Some trust in chariots and some in horses; but we will remember the name of the Lord our God.

We will rejoice in thy salvation, and in the name of our God we will set up our banners.

“General Townsend then read the original dispatch announcing the fall of Fort Sumter, and precisely as the bells

of the ships struck the hour of noon, General Anderson, with his own hands seizing the halyards, hoisted to its place the flag which he had seen lowered before the opening guns of rebellion. As the starry banner floated out upon the breeze, which freshened at the moment as if to embrace it, a storm of joyful acclamation burst forth from the vast assembly, mingled with the music of hundreds of instruments, the shouts of the people, and the full-throated roar of great guns from the Union and the captured rebel forts alike, on every side of the harbor, thundering their harmonious salute to the restored banner. General Anderson made a brief and touching speech, the people sang "The Star-Spangled Banner," Mr. Beecher delivered an address in his best and gravest manner, filled with an earnest, sincere, and unboastful spirit of nationality; with a feeling of brotherhood to the South, prophesying for that section the advantages which her defeat has in fact brought to her; a speech as brave, as gentle, and as magnanimous as the occasion demanded. In concluding, he said, and we quote his words, as they embodied the opinion of all men of good will on this last day of Abraham Lincoln's life: 'We offer to the president of these United States our solemn congratulations that God has sustained his life and health under the unparalleled burdens and sufferings of four bloody years, and permitted him to behold this auspicious consummation of that national unity for which he has waited with so much patience and fortitude, and for which he has labored with such disinterested wisdom.'

"At sunset another national salute was fired; the evening was given up to social festivities; the most distinguished of the visitors were entertained at supper by General Gillmore; a brilliant show of fireworks by Admiral Dahlgren illuminated the bay and the circle of now friendly forts, at the very moment when at the capital of the nation a little group of conspirators were preparing the blackest crime which sullies the record of the century."

The president and Mrs. Lincoln, with Miss Harris and Major Rathbone, were sitting in a box at Ford's Theatre, in Washington, listening to Laura Keene's company in the comedy, "Our American Cousin." John Wilkes Booth stealthily entered the box, about half past ten, put a pistol to Lincoln's head and shouting, *Sic semper tyrannis*, fired. He then leaped from the box, his spur catching in the folds of the flag which draped the front, and fell to the stage, breaking his leg. He quickly sprang up, brandished his knife before the audience, rushed through one of the wings of the theatre to a back entrance, sprang upon a horse in waiting and galloped away in the moonlight. For a moment the audience thought Booth's action, and the report of his pistol a part of the play. Major Rathbone, severely wounded by the murderer, shouted, "Stop him!" and some one cried out, "He has shot the president!" Instantly there was consternation and confusion; an elderly man, sitting well forward in the parquet rose and assured the audience that nothing had happened. Two nephews of John A. Bingham who happened to have seats close to the foot-lights sprang upon the stage and climbed into the box. One of them, who later became a physician and long practised in Walla Walla, Oregon, relates that he saw the president, his head fallen back, and as if dead; Major Rathbone was removing the bar which Booth had placed against the door of the box, thus preventing entrance from the outside; Mrs. Lincoln had swooned and Miss Harris was quite unconscious of her surroundings; blood was streaming from Major Rathbone's arm, Booth's knife having severed an artery. The crowd poured into the box, among others a young officer named Crawford and two army surgeons. An examination quickly revealed that the wound was mortal. Young Bingham and others joined hands and supporting the unconscious form of the president bore him from the theatre across the way to a house opposite, where he died at twenty-two minutes after seven, next morning, never having regained consciousness.

"Stanton broke the silence by saying: 'Now he belongs to the ages.' Dr. Gurley kneeled by the bedside and prayed fervently. The widow came in from the adjoining room supported by her son and cast herself with loud outcry on the dead body."

Booth had organized a conspiracy to assassinate the president, vice-president, Secretary Seward and General Grant. Seward, an invalid at home, from a severe accident received while out driving, was brutally attacked by one of the conspirators, a young Floridian, named Payne, who effected an entrance into the sick chamber and succeeded in inflicting three terrible wounds on the secretary's cheek and neck, and must have accomplished his purpose had not Seward succeeded in rolling from under the blows of the monster, between the bed and the wall, by which time one of the nurses seized the assassin, who after beating the secretary's son insensible and inflicting dangerous wounds upon the attendants, got away unharmed. General Grant had declined the invitation to join the presidential party and was on his way with Mrs. Grant to visit their children at Burlington, New Jersey, where they were at school. They had reached Philadelphia when news of the assassination reached them, and General Grant at once turned back to Washington.

It was gradually discovered that the conspiracy had many ramifications: the headquarters of the conspirators was at the house of Mrs. Surratt, in Washington.

Andrew Johnson took the oath of office as president; Secretary Stanton, from the moment of receiving news of the assassination, assumed direction of affairs and the new president acceded to the office; the government went on as usual, despite the awful tragedy.

The people of America, North and South, interrupted amidst their rejoicings that peace had come, were stunned by the news of the assassination. That Lincoln, the kindest-hearted man in the nation, the best friend of the South, should thus be stricken down seemed incredible. From the

moment of his death until now, the whole world mingles in his praises: its tributes to his work and character now make libraries and its eulogies and studies of him have only begun.

No one who lived in those days can efface from memory their shadow and gloom. He sees the emblems of mourning in the street, the flags, draped, at half mast; the shutters of the humblest houses bowed, as if a beloved member of the family were dead. He hears the wailing music and the words of priest and layman spoken in inconsolable grief. And then the mourning pageant: the railroad train draped in black, the multitudes along the route from the White House to the Capitol, beneath whose lofty dome the martyred president lay in state; and then the long, sorrowful journey home to Illinois, over the very route which had been taken when, four years earlier, the president-elect had come to Washington, and to the immeasurable cares and unparalleled responsibilities of his great office.

"O Captain! my Captain! our fearful trip is done,
The ship has weather'd every rack, the prize we sought is won,
The port is near, the bells I hear, the people all exulting,
While follow eyes the steady keel, the vessel grim and daring.

But O heart! heart! heart!
O the bleeding drops of red,
Where on the deck my Captain lies,
Fallen cold and dead.

"O Captain! my Captain! rise up and hear the bells;
Rise up—for you the flag is flung—for you the bugle trills,
For you bouquets and ribbon'd wreaths—for you the shores a-crowding,
For you they call, the swaying mass, their eager faces turning;

Hear Captain! dear father!
This arm beneath your head!
It is some dream that on the deck,
You've fallen cold and dead.

"My Captain does not answer, his lips are pale and still,
My father does not feel my arm, he has no pulse nor will,
The ship is anchored safe and sound, its voyage closed and done,
From fearful trip the victor ship comes in with object won;

Exult O shores, and ring O bells!
But I with mournful tread,
Walk the deck my Captain lies,
Fallen cold and dead."

The assassination of Lincoln effected a change in the Northern mind. Throughout the war the North had looked forward to peace; to the restoration of the Union. It had not looked upon the war as a war for conquest, or mere victory. The North was not and never has been military in character. A strong disloyal element had provoked more bitter feeling than the North had ever dreamed of holding toward the South: a "Copperhead" was a person to be despised; a Confederate soldier was a brave man fighting for a bad cause; the military leaders of the Confederacy were great soldiers, but Jefferson Davis was considered a prince of traitors and conspirators, and the school children sang,

"Hang Jeff Davis to a sour-apple tree,"

and the tune was ever that of "John Brown's body." Yet, at the same time, the children of the South sang the refrain,

"Hang Abe Lincoln to a sour-apple tree,"

and to the same tune.

But it was the assassination of Lincoln that utterly changed the feelings of the North towards the South. Easily the plain people, unacquainted with the facts of Booth's conspiracy, imputed to the South a general membership in that conspiracy and believed that its real head was Jefferson Davis. However unreasonable and unwarranted the suspicion, it was an easy one for the North to form. In Lincoln it had slowly discovered one of those rare spirits which perhaps twice in human history have visited this world. Lincoln was dead before the North understood him and straightway it apotheosized him. In ancient times he would have been worshipped as a god. But the North felt the solemnity of its conception of duty—to vindicate Lincoln, and nursed its wrath while yet it sat in sackcloth and

ashes. The speedy capture and execution of the immediate conspirators who struck the blow did not satisfy the North that the real originators of the conspiracy had been found. The government, responding to this widespread suspicion, offered a reward of \$100,000 for the capture of Jefferson Davis.

He had fled, with members of his Cabinet, southward, the day Richmond fell, determined to keep up the conflict. At Danville he received news of Lee's surrender, and immediately hastened on to Greensborough, where he called a Cabinet meeting, inviting Generals Johnston and Beauregard to be present. He was, or pretended to be, convinced that the Confederacy was in existence and that Johnston's army could maintain itself and beat back Sherman. General Johnston, whose opinion Davis requested, plainly told his political chief that the Southern people were tired of war; that they felt themselves whipped and would not fight longer; that the South was overrun, its resources greatly diminished and that the army was weakening daily by desertions. That his army was insignificant compared with Grant's 180,000, Sherman's 110,000, Canby's 60,000, "odds of seventeen to one, which in a few weeks could be more than doubled." He therefore "urged that the president should exercise at once the only function of government still in his possession, and open negotiations for peace." This was the 12th of April.

All save Davis and Benjamin agreed with Johnston, who remarks in his *Narrative*: "The president replied to our suggestion as if somewhat annoyed by it." There is no doubt that the advice was doubly hateful to Davis, dictated by absolute conditions, as it was, and coming from General Johnston, with whom Davis had quarrelled for four years and whom he had done his best to eliminate from all military service to the Confederacy, and yet who was the one Southern soldier who ranks with, or outranks Lee.

General Johnston then proposed to Davis that he should dictate a letter to Mallory, that Johnston himself should

sign it and send it at once through the lines to General Sherman. Davis dictated the letter as follows:

"The results of the recent campaign in Virginia have changed the relative military condition of the belligerents. I am therefore induced to address you, in this form, the inquiry whether, in order to stop the further effusion of blood and devastation of property, you are willing to make a temporary suspension of active operations, and to communicate to Lieutenant-General Grant, commanding the armies of the United States, the request that he will take like action in regard to other armies—the object being, to permit the civil authorities to enter into the needful arrangements to terminate the existing war."

This proposition recognized the parity of the Confederacy and the National government, and doubtless was worded to that end by its author. General Sherman, ignoring its inadmissible and offensive terms and anxious to end hostilities, arranged for a meeting with Johnston, on the 17th, and suggested Grant's terms to Lee at Appomattox as the basis for negotiations. Johnston hurried back to Goldsborough to lay Sherman's letter before Davis but discovered that he had started for Charlotte, on his further flight.

The two commanders met as appointed "at the house of a Mr. Bennett on the Raleigh road." Just as Sherman had left Raleigh he received the dispatch that told of Lincoln's assassination. Fearing that the news might embitter his army, at this critical time, he ordered the intelligence kept secret. Meeting Johnston, he showed him the dispatch. "After reading it," writes Johnston in his *Narrative*, "I told General Sherman that, in my opinion, the event was the greatest possible calamity to the South." Sherman records in his *Memoirs*, "the perspiration came out in large drops on (Johnston's) forehead, and he did not attempt to conceal his distress. He denounced the act as a disgrace to the age and hoped I did not charge it to the Confederate government. I told him that I could not believe that he

or General Lee, or the officers of the Confederate army could possibly be privy to acts of assassination; but I would not say as much for Jeff. Davis, George Saunders, and men of that stripe. We talked about the effect of this act on the country at large and on the armies, and he realized that it made my situation extremely delicate. I explained to him that I had not yet revealed the news to my own personal staff or to the army and that I dreaded the effect when made known at Raleigh. Mr. Lincoln was peculiarly endeared to the soldiers, and I feared that some foolish woman or man at Raleigh might say something or do something that would madden our men, and that a fate worse than that of Columbia would befall the place."

Taking up then the immediate business before them, the two generals discovered its difficulties. Sherman had not noticed the phraseology of Johnston's letter which spoke of negotiation between the "civil authorities," but now comprehending its import declared that "such negotiations were impossible—because the government of the United States did not acknowledge the existence of a Southern Confederacy; nor, consequently, its civil authorities as such." Therefore he could not receive or transmit any such proposition, but offered Johnston the same terms as Grant had given Lee.

"I replied," continues Johnston, "that our relative positions were too different from those of the armies in Virginia to justify me in such a capitulation, but suggested that we might do more than he proposed: that, instead of a partial suspension of hostilities, we might, as other generals had done, arrange the terms of a permanent peace."

Continuing, General Johnston records: "We then entered into a discussion of the terms that might be given to the Southern States, on their submission to the authority of the United States. General Sherman seemed to regard the resolutions of Congress and the declarations of the president of the United States as conclusive that the restoration of the Union was the object of the war, and to believe that

the soldiers of the United States had been fighting for that object. A long official conversation with Mr. Lincoln on Southern affairs a very short time before, had convinced him that the president then adhered to that view." By this was meant Sherman's conference with Lincoln and Grant at City Point. Sherman had never seen the positive instructions given by Lincoln to Grant, March 3d: "You are not to decide, discuss or confer upon any political question; such questions the president holds in his own hands and will submit them to no military conferences or conventions."

But General Johnston was still under the illusion that there was a Confederate government and that Jefferson Davis must be placated in any proposition which he and Sherman might agree to. It was a singular, a paradoxical position: for Sherman, by right, should have hesitated to submit any provision that he was not sure the National government would approve. It was because he felt thus assured that he now proceeded as he did. But it was impossible for Davis to agree to any terms which did not essentially recognize as a government the insurrection of which he had been for four years the nominal head.

On the 18th the two generals resumed negotiations and Johnston brought John C. Breckenridge to the conference—not as secretary of war, to which Sherman objected, but as a member of his staff. The Confederate Cabinet and Davis, keeping in close touch with Johnston, had meanwhile developed a scheme of capitulation, written out by the Confederate postmaster-general, Reagan, which Johnston now presented: Johnston and Breckenridge united in defense of this scheme which, they assured Sherman, "contained nothing which he had not already accepted, but the language that included the president and the Cabinet in the terms of amnesty."

"After listening to General Breckenridge, who addressed him six or eight minutes in advocacy of these conditions of peace," continues Johnston, "General Sherman wrote very

rapidly the memorandum that follows, with the paper presented by me before him. He wrote so rapidly that I thought, at the time, that he must have come to the place prepared to agree to amnesty with no exceptions. His paper differed from mine only in being fuller.

"1. The contending armies now in the field to maintain the *statu quo* until notice is given by the commanding general of any one to its opponent, and reasonable time—say forty-eight hours—allowed.

"2. The Confederate armies now in existence to be disbanded and conducted to their several State capitals, there to deposit their arms and public property in the State arsenal; and each officer and man to execute and file an agreement to cease from acts of war, and to abide the action of the State and Federal authority. The number of arms and munitions of war to be reported to the Chief of Ordinance at Washington City, subject to the future action of the Congress of the United States, and, in the meantime, to be used solely to maintain peace and order within the borders of the States respectively.

"3. The recognition by the Executive of the United States of the several State governments, on their officers and legislatures taking the oaths prescribed by the Constitution of the United States, and, where conflicting State governments have resulted from the war, the legitimacy of all shall be submitted to the Supreme Court of the United States.

"4. The re-establishment of all the Federal Courts in the several States, with powers as defined by the Constitution of the United States and of the States respectively.

"5. The people and inhabitants of all the States to be guaranteed, so far as the Executive can, their political rights and franchises, as well as their rights of person and property, as defined by the Constitution of the United States and of the States respectively.

"6. The executive authority of the government of the United States not to disturb any of the people by reason of the late war, so long as they live in peace and quiet, abstain

from acts of armed hostility and obey the laws in existence at the place of their residence.

"7. In general terms—the war to cease; a general amnesty, so far as the Executive of the United States can command, on the condition of the disbandment of the Confederate armies, the distribution of the arms, and the resumption of peaceful pursuits by the officers and men hitherto composing said armies.

"Not being fully empowered by our respective principals to fulfil these terms, we individually and officially pledge ourselves to promptly obtain authority, and will endeavor to carry out the above programme."

This agreement was signed by General Johnston and General Sherman, the 18th of April.

The mildest criticism of this agreement is that Sherman transcended his authority and that the terms were more liberal than even Jefferson Davis and his Cabinet could expect to hope for. Again, the articles strongly attest that General Sherman's spirit, his attitude toward the South and its people, were essentially the same as Lincoln's; he had faith in the South, in Johnston, in Lee, in the whole body of Confederate military officers, but no faith in the Confederate civilians—as his remarks on the culpability of Davis in Lincoln's assassination attest. He however omitted one condition which Lincoln, had he indited the articles, would have inserted: the recognition of the abolition of slavery, and the protection of the former slaves in their rights. But a careful analysis of the articles cannot fail to reveal the numberless possibilities that lay within them of friction between the National government and those of the several States in attempting to carry them out. Commenting on Sherman's articles, Major-General Schofield wrote, many years afterward: "It may not be possible to judge how wise or how unwise Sherman's first memorandum might have proved if it had been ratified. . . . We now know only this much—that the imagination of man can hardly picture worse results than those wrought by the plan adopted"—that

is—Congressional reconstruction of the South. Both Johnston and Beauregard had told Sherman that they considered slavery dead and gone forever. Sherman was confident that he had done the right thing in his articles and hastened them on to Grant at Washington. At a Cabinet meeting hastily summoned on the 21st, the articles were unanimously condemned; Stanton ordered Grant to instruct Sherman to resume hostilities at the earliest possible moment, and communicated the president's orders to proceed at once to Sherman's headquarters and direct operations against the enemy. Grant reached Raleigh, conveyed his orders to Sherman in the gentlest manner, and on the 24th, Sherman informed Johnston that he was instructed to limit his operations to Johnston's immediate command and that he demanded the surrender of the Confederate army on the terms Grant had given Lee. The truce should terminate in forty-eight hours.

Persisting in keeping up his spectral government, Davis had formally conveyed to Johnston that government's approval of the terms agreed upon on the 18th. Davis and his advisers reached the conclusion that the time had come for them to return to private life, the Cabinet soberly advising Davis to "return to the States and the people the trust which you are no longer able to defend." General Johnston, believing that the war was over, had begun paying off his men with what funds he could draw from the defunct Confederacy, one dollar to each soldier and officer—\$39,000 in all.

When Davis was apprised of Sherman's ultimatum—surrender on Grant's terms—he advised Johnston to disband his troops to assemble at some rendezvous and keep up the war. This meant guerrilla warfare. Johnston refused to obey such instructions. Such a plan put every soldier's life in peril and left Davis and the civil leaders of the rebellion in safety.

"The belief that impelled me to urge the civil authorities of the Confederacy to make peace," writes General Johnston, "that it would be a great crime to prolong the war,

prompted me to disobey these instructions—the last I received from the Confederate government. They would have given the president an escort too heavy for flight, and not strong enough to force a way for him; and would have spread ruin over all the South, by leading the three great invading armies in pursuit. In that belief, I determined to do all in my power to bring about a termination of hostilities. I therefore proposed to General Sherman another armistice and conference, for that purpose, suggesting, as a basis, the clause of the recent convention relating to the army. This was reported to the Confederate government at once. General Sherman's dispatch, expressing his agreement to a conference, was received soon after sunrise on the 26th; and I set out for the former place of meeting, as soon as practicable, after announcing to the administration that I was about to do so. We met at noon in Mr. Bennett's house as before. I found General Sherman, as he appeared in our previous conversation, anxious to prevent further bloodshed, so we agreed without difficulty upon terms putting an end to the war within the limits of our commands, which happened to be co-extensive." The terms were Grant's to Lee at Appomattox.

Of the treatment of the surrendered army, General Johnston writes:

"Before the Confederate army came to Greensborough, much of the provisions in depot there had been consumed or wasted by fugitives from the Army of Virginia; still, enough was left for the subsistence of the troops until the end of April. In making the last agreement with General Sherman, I relied upon the depots recently established in South Carolina, for the subsistence of the troops on the way to their homes. A few days before they marched, however, Colonel Moore informed me that those depots had all been plundered by the crowd of fugitives and country people, who thought, apparently, that, as there was no longer a government, they might assume the division of this property. That at Charlotte had either been consumed by our cavalry

in the neighborhood or appropriated by individuals. So we had no other means of supplying the troops on their home-ward march, than a stock of cotton yarn, and a little cloth, to be used as money by the quartermasters and commissaries. But this was entirely inadequate; and great suffering would have ensued, both to the troops and the people on their route, if General Sherman, when informed of our condition, had not given us 250,000 rations, on no other condition than my furnishing the means of transporting them by railroad from Morehead City. This averted any danger of suffering or even inconvenience."

On May 4th, General Richard Taylor, at Citronelle, Alabama, surrendered to General Canby all the Confederate forces east of the Mississippi—some 42,000 men, and Commodore Ebenezer Farrand, on the same day, surrendered to Rear-Admiral Henry K. Thatcher all the Confederate naval forces in the neighborhood of Mobile, several hundred officers and about a dozen vessels. On May 26th, General Kirby Smith surrendered to Canby some 18,000 men, the Confederate army west of the Mississippi. General Canby, like Grant and Sherman, supplied ample rations to the Confederate soldiers and made generous provisions for their transportation home.

In the history of the world no army ever surrendered into such friendly hands as did the Confederate armies, after four years of most bloody and hard fought civil war. Truly, with Grant and Sherman and Canby, as with Lincoln, it was, "with malice towards none, with charity for all."

On the 10th of May, Jefferson Davis was captured near Irwinsky, Georgia, by Lieutenant-Colonel B. D. Pritchard, commanding the Fourth Michigan Cavalry, of General James H. Wilson's command. According to Mr. Davis's account of the capture, he heard the cavalrymen about his tent and was about pushing forward to get upon his horse and escape when he turned back to tell Mrs. Davis, who implored him to leave at once. Yielding to her importunity,

he lost a few moments and decided to start in the opposite direction. In the darkness, he says, "I picked up what was supposed to be my 'raglan,' a water-proof light overcoat, without sleeves; it was subsequently found to be my wife's, so very like my own as to be mistaken for it; as I started, my wife thoughtfully threw over my head and shoulders a shawl."

Captain G. W. Lawton, of the Fourth Michigan Cavalry, who was present at the capture, printed an account of it in *The Atlantic Monthly* for September, 1865, in which he says: "Andrew Bee, a private of Company L, went to the entrance of Davis's tent, and was met by Mrs. Davis—who, putting her hand on his arm, said: 'Please don't go in there till my daughter gets herself dressed.' Andrew thereupon drew back, and in a few minutes a young lady (Miss Howell) and another person, bent over with age, wearing a lady's 'waterproof,' gathered at the waist, with a shawl drawn over the head, and carrying a tin pail, appear, and ask to go to 'the run' for water. Mrs. Davis also appears, and says: 'For God's sake, let my old mother go to get some water!' No objection being made, they passed out. But sharp eyes were upon the singular looking 'old mother.' Suddenly, Corporal Munger of Company C, and others, at the same instant, discovered that the 'old mother' was wearing very heavy boots for an aged female, and the corporal exclaimed: 'That is not a woman! Don't you see the boots?' And spurring his horse forward and cocking his carbine, compelled the withdrawal of the shawl, and disclosed Jeff. Davis."

In his official report of the capture, Colonel Pritchard relates: "Upon returning to camp I was accosted by Davis from among the prisoners, who asked if I was the officer in command, and upon my answering him that I was, and asking him whom I was to call him, he replied that I might call him what or whomsoever I pleased. When I replied to him that I would call him Davis, and after a moment's hesitation he said that was his name, he suddenly drew himself

up in true royal dignity and exclaimed: 'I suppose that you consider it bravery to charge a train of defenseless women and children, but it is theft, it is vandalism!'"

Postmaster-General Reagan, who was of the party captured, relates the incident as follows: "Colonel Pritchard did not come up for some time after Mr. Davis was made prisoner. When he rode up there was a crowd, chiefly of Federal soldiers, around Mr. Davis. He was standing, and dressed in the suit he habitually wore. He turned toward Colonel Pritchard and asked: 'Who commands these troops?' Colonel Pritchard replied, without hesitation, that he did. Mr. Davis said to him: 'You command a set of thieves and robbers. They rob women and children.' Colonel Pritchard then said: 'Mr. Davis, you should remember that you are a prisoner.' And Mr. Davis replied: 'I am fully conscious of that. It would be bad enough to be the prisoner of soldiers and gentlemen. I am still lawful game, and would rather be dead than be your prisoner.'" Davis was taken to Fortress Monroe and there confined under charge of being accessory to the death of President Lincoln: a charge not sustained by the evidence. Among the Confederate archives, write Nicolay and Hay, "a letter was found from one Lieutenant Alston, who wrote to Jefferson Davis immediately after Lincoln's re-election, offering to 'rid his country of some of her deadliest enemies by striking at the very heart's blood of those who seek to enchain her in slavery.' This shameless proposal was referred, by Mr. Davis's direction, to the Secretary of War; and by Judge Campbell, Assistant Secretary of War, was sent to the Confederate Adjutant-General indorsed 'for attention.' We can readily imagine what reception an officer would have met with who should have laid before Mr. Lincoln a scheme to assassinate Jefferson Davis. It was the uprightness and the kindness of his own heart that made him slow to believe that any such ignoble fury could find a place in the hearts of men in their right minds."

After nearly two years' imprisonment Davis was indicted and arraigned at Richmond before the United States Circuit Court for the District of Virginia on the charge of treason, but was liberated on bail, his bond having been signed, with others, voluntarily by Cornelius Vanderbilt, Gerrit Smith and Horace Greeley. The District Court, on December 3, 1868, disagreed on a motion to quash the indictment on the ground that "the penalties and disabilities pronounced against and inflicted on him for his alleged offense, by the third section of the Fourteenth Amendment of the Constitution of the United States, were a bar to any proceedings upon such indictment," and certified the case to the United States Supreme Court. On Christmas-day following, President Johnson issued a sweeping proclamation of pardon and amnesty to all who had participated in the rebellion, restoring them to all rights, privileges and immunities under the Constitution and laws of the United States. The government took no further action in regard to Davis and later, on motion of counsel, the indictment against him was dismissed. This left him under the single disability of capacity to hold office either State or Federal, and this disability Congress refused to remove.

The most acrimonious Southern critic of Jefferson Davis, Pollard, his biographer and author of *The Secret History of the Confederacy*, expresses the opinion that "The imprisonment of Mr. Davis was the best thing that could have happened to his fame." It helped to make him a martyr in the eyes of the South. After his release, continues Pollard, "he proceeded to England, in pursuance of an offer of a commission house in Liverpool to take him in as a partner, and thus afford him a handsome pecuniary profit or bonus. The terms of this singular proposition, as reported in the newspapers, were that Mr. Davis was to become a member of the house referred to without the contribution of any capital, and that he should continue to reside in America, if he preferred to do so, representing the interests of the firm at New Orleans. On arriving in

England, Mr. Davis did not find the house of that character as to induce the advertisement of his name in connection with it; and, partly through the persuasions of friends who recognized the offer attempted to be imposed upon his credulity or his avarice, as a disreputable advertising 'dodge'—a scheme of trading through the name of the ex-president of the Southern Confederacy—the matter was dropped, but not until it had obtained for Mr. Davis considerable scandal. Since then he has been residing, alternately, in England and in France, living quietly but comfortably; his descent into obscurity being rather faster than most of revolutionary refugees, who have generally continued to be objects of curiosity after having ceased to excite any other interest. But although Mr. Davis declined the peculiar adventure in commercial life just referred to, it is greatly to be regretted that he ever entertained it; that he ever came near to a descent so unexampled from that historical heroism and dignity which he was expected to support in the sight of Europe and the world. His commercial errand to England was, indeed, a mortifying episode; and for some time it was feared by his countrymen that the unfortunate ex-president of the South, at the end of his public career, might fall to exhibiting the dregs of his character, in a way to shame them as well as to disgrace himself. The people of the South have always prided themselves upon their nice and delicate observances of honor, and, in this respect, Mr. Davis had been their master of ceremonies, their pattern of deportment, the very prince of punctilios. It would have been excessively awkward if he had turned out to be an excellent accountant of pelf, doing precisely at Liverpool what the South had so often reviled as 'a Yankee trick' of utilizing public and social advantages, turning such to the mean account of dollars and cents. The world would have accused him of selling out his historical fame, and turning the Southern Confederacy into a tradesman's advertisement. . . . There is something inexpressibly low and offensive in the idea. History demands, even in the extremity of misfortune,

a certain dignity from those who have shared in its lofty scenes. If Mr. Davis has been compelled to choose a hard and honorable poverty, it is far better than that he should have accepted this gilded shame in the streets of Liverpool. There are many ways to fortune; but Mr. Davis could scarcely find one so easy and degraded as that of spelling his name in golden letters, and selling out his historical fame as commercial capital. It is this barter which would have been offensive to honorable instincts—not the grade of employment; as long as it was honest. There are those who will say that it is both decent and noble for any unfortunate man to win his livelihood from a sacrifice of his pride; that labor is honorable, and that the day is past when even the insolent aristocracy, in which Mr. Davis was bred, may deride the vulgarity of trade. We shall not dispute on these points. Labor is honorable; it has been decorated by modern opinion. But the true and precise complaints of those who deprecated the descent of Mr. Davis to the counting-room, was that the former chief of the Southern Confederacy, as a partner of the Liverpool commission house, would have meanly avoided labor by a commercial sinecure, the place of a distinguished loafer, in which he might live on the reputation of the past. It would be said, and apparently not without justice, that he had sold his name and that of his people purely as an advertisement, to avoid the real and honorable exigencies of labor. What is historical dignity, what the glory of heroes, what all the noble proprieties of a nation's misfortune, when the chief of eight millions of people might hang out a tradesman's sign-board over all of it, and make of the grand catastrophe a first-rate commercial advertisement!"

A Northern man, reading this somewhat curious comment, discovers no hint of treason in Jefferson Davis; no suggestion that his public career was a curse to his country and most fearfully to the South; no intimation that any act of his life equalled in deplorable character his acceptance of a commercial agency by which to make an honest living. It

would have been better for his country had he been restricted through life to the harmless occupation of clerical service in "the vulgarity of trade."

But the peril to decorum and the "nice and delicate observances of honor" were avoided: he retired to a plantation—having withdrawn from the charge of the English Life Insurance Company, at Memphis—and settled at Beauvoir, "a quiet place," he describes it in his autobiography, "where I could prepare my work on *The Rise and Fall of the Confederate Government*. A friend from her infancy, Mrs. Dorsey shared her home with me, and subsequently sold me her property of Beauvoir, an estate of five or six hundred acres, about midway between Mobile and New Orleans. Before I had fully paid for this estate Mrs. Dorsey died, leaving me her sole legatee. . . . Since settling at Beauvoir, I have persistently refused to take any active part in politics, not merely because of my disfranchisement, but from a belief that such labors could not be made to conduce to the public good, owing to the sectional hostilities manifested against me since the war. For the same reason I have also refused to be a candidate for public office, although it is well known that I could at any time have been re-elected a Senator of the United States." This was written in November, 1889. On the 6th of December following, he died while visiting in New Orleans.

Of his letters and occasional addresses from Beauvoir, Nicolay and Hay remark: "In some of these, as well as in his elaborate work entitled, *The Rise and Fall of the Confederate Government*, very guarded undertones revealed an undying animosity to the government of the United States, whose destiny he had sought to pervert, whose trusts he had betrayed, whose honors he had repaid by attempting its destruction, and whose clemency he appeared incapable of appreciating even in defeat."

"In the death of Jefferson Davis," remarked the *Pall Mall Gazette*, editorially, "which occurred yesterday, the world has lost one who although never great was for some

time famous. As president of the Confederacy of the South his name was for years in every one's mouth. He was the great figure-head of the Slave-owners' Rebellion, and as such he was from 1861 to 1864 . . . the favorite of the *Times*. . . . But notwithstanding his unique position, his personality never fascinated the public. In the competition for popular favor the champion of the chivalry of the South was out of the running when compared with Abraham Lincoln, the rail-splitter, who represented the democracy of the North. He had neither wit nor humor. A certain kind of eloquence he had, and unquestionable adroitness and business faculty, chiefly of the political kind, but that was all. He gave his name to one of the bloodiest rebellions the world has ever seen; a million homes were laid desolate in the vain striving after the cause for which he was selected as figure-head, but outside the small circle of his own personal friends he seems to have excited neither interest nor enthusiasm, nor any intense feeling of any kind. General Lee was glorified in the Old World as in the New. Stonewall Jackson was almost canonized in this country. Even Longstreet and Johnston excited enthusiasm. But now that Jeff. Davis departs, it is doubtful whether a single human being outside his own immediate circle will feel even a passing thrill of emotion or of regret.

"Politicians are usually much less interesting than soldiers. Abraham Lincoln was the exception that proves the rule. The dexterous party-manager is useful and necessary, but he is usually a somewhat drab personage whose figure does not stand out like that of the men in scarlet before the eye of the general public. It is somewhat of a sardonic reflection but it is possibly not far from correct, that the chief use of Jeff. Davis in the world was to supply three syllables to the refrain of the Union soldiers' marching-song: 'We'll hang Jeff. Davis on a crab-apple tree.' It served its turn, fitting well to the melody of 'John Brown,' and then when the end came, so little was the feeling against him personal that he was allowed to escape unhanged and unhurt. After

a comparatively brief imprisonment, he was allowed to go at large, and he spent the last twenty years of his life in literary labor, which at least occupied his time less mischievously than in those exertions which drenched the South with blood. The announcement of his death recalls faint memories of that time with all its hopes and its fears, its horrors of battles and of siege, and the utter miscalculation of the forces at work which prevailed in English society. Mr. Gladstone and the *Times*—at that time in strange accord—believed that Jeff. Davis had made a nation. He only made for himself an epitaph over the grave in which the suicide of Secession buried the doctrine of State Rights."

The *London Times*, it will be remembered, threw its vast influence, during the greater part of the Civil War, into the Confederate cause. Its vituperation of Lincoln and the North was excessive, even for the *London Times*. It supported—as the *Pall Mall Gazette* avails itself of the occasion—in the death of Davis—of reminder—Mr. Gladstone's declaration that "Jefferson Davis had founded a new nation." On the day after Mr. Davis's death, the *Times* editorially commented on him, and on the Civil War:

"The War of the Secession in America had, like the great French Revolution, been long anticipated by keen observers, but predictions of disruption and conflict were so often apparently confuted by events that men had come to look upon them as having no practical bearing upon politics. Those who were themselves deeply interested in the game for the most part knew better, but upon the mass of Americans, both in the Northern and in the Southern States, the attempt to break up the Union fell with a startling shock. Names which previously had at the most a local celebrity quickly rose to world-wide fame, and among these none was more conspicuous during four eventful years than that of Mr. Jefferson Davis. His character was deeply impressed upon the public declarations and the diplomatic intercourse of the Confederacy. His policy, or that which was believed to be his, was identified in the eyes of all the world with

the Confederate cause. When the cause was overwhelmed in utter ruin, Mr. Jefferson Davis sank with it, to rise no more as a public man. Others as devoted as he was to the independence of the South—Mr. Alexander Stephens, Senator Lamar, Senator Gordon, and others—re-entered the political arena as soon as the military yoke was lifted from the necks of the Southerners, but to the ex-president of the Confederacy all the gates of public life were inexorably closed. He was ostracized, not by the malignity and rancour of his enemies, but by the distrust and aversion of those who had formerly believed in him, had followed him into a hopeless and disastrous enterprise, and persisted in defying at his bidding forces as sternly irresistible as those of the great movements of nature. The vanquished Southerners were not wanting either in sagacity or in generosity, but they had enough of human nature in their composition to seek a scape-goat when their ambitious and adventurous schemes were turned into crushing defeat. It is probable that President Davis was much to blame in secondary matters for the collapse of the Confederate resistance, but, after all, the rarest and highest qualities of statesmanship and of strategy could not have averted the issue if the problem were left to be determined, as in fact it was, by measuring the forces of the South directly and simply against those of the North. If the chief of the Confederacy had combined the lofty spirit of Chatham with the indomitable resolution of Frederick, the single-minded purpose of Washington with the eagle eye of Napoleon, he would still have been unequal to the struggle upon which he rashly launched his country. Being as he was of far inferior quality, it was easy when the end came to discern the causes of disaster in his errors. The closing campaign of the Confederacy left behind it among the Southerners feelings as bitter as, and perhaps not less unfair than, those which, in the minds of the majority of Frenchmen, have established an inseparable connexion between the fallen dynasty of the Bonapartes and the humiliation of Sedan.

"In truth the policy of Mr. Jefferson Davis, stripped of its rhetorical trappings and calmly viewed nearly thirty years after its initiation, was nothing more than a superb game of brag. When he and his friends representing the Gulf States drove the South into secession against the better judgment of the older Slave States, they were not the dupes of the high-flown language in which they defied the North and expressed their determination to 'maintain, if necessary by the final arbitrament of the sword, the position which we have assumed among the nations of the earth.' They were well aware that the resources of the North, in men, in money, in capacity of bearing taxation, and providing food and munitions for vast armies, exceeded enormously those of the South. But they believed that the North, if fully persuaded of the determination of the South to break away from the Union, would not attempt to use its power for coercion, or that if such an attempt were made it would be neutralized by the internal divisions of Northern politics and by the lack of any steady conviction or predominant sentiment to touch with fire the crude masses of a half-organized democracy. Nor were the promoters of the secession far wrong in their premises, though they went widely astray in the conclusions they drew from them. The only section of Northern society which had shown the true fighting spirit were the Abolitionists, who were altogether without weight in politics, and whose doctrines seemed to their neighbours to be impracticable and fanatical. The people of the North were generally most unwilling to enter upon a crusade for the abolition or even the restriction of slavery, as a succession of abortive 'compromise policies' had testified; they disliked and had little knowledge of war; the great majority of the trained military and naval officers in the Federal service when the war broke out were Southerners. These facts encouraged President Davis and his colleagues to confront the North not only boldly, but menacingly. With extraordinary energy and perseverance the Confederate government proceeded to create not only the

material of war, but the machinery of civil and military administration. If many mistakes were made and many hardships inflicted, it must be borne in mind that the conditions under which the work was done were without precedent. The policy of Davis, however, met with a fatal check when it was shown that the maintenance of the Union was a rallying cry potent enough to efface divisions of opinion throughout the North, to turn a pacific community into one panting for war, to make a nation of traders and farmers willing to submit to the levying of immense armies by conscription, the suspension of popular liberties, the imposition of extraordinary taxation, the raising of enormous loans, and the issue of a forced paper currency. The South were prepared to do all these things on their own account, but they were not prepared to be met in the same spirit by the North. Still Davis and his associates did not despair. If they were unable to drive the North to acquiesce in the disruption of the Union by a show of force, the game of brag might be played, with scarcely less prospect of success, in another quarter. The European powers might be induced to intervene, in the interests of humanity, to put an end to the strife. To this object all the efforts of the Confederate statesmen were exclusively directed, though with ever-declining hopes from the moment when it became plain that the North would not be overawed into submission, but would fight to the last for the Union. The incapacity of the Federal War Department and of some of the Northern generals gave President Davis the material for vehement and highly-colored appeals to the public opinion of Europe. On the other hand, the Confederates displayed military genius in some of its highest forms, and in almost all ranks maintained a high level of soldierly qualities. But as the months and years glided by, and no help came, as the Confederacy was worn out while the North showed no sign of weariness, President Davis must have realized that the situation was a hopeless one long before Lee's surrender to Grant at Appomattox.

"To the charge of President Davis have been laid many of the faults which vitiated and perverted the Confederate administration. It is alleged that he thwarted and crippled the ablest of his generals and that he sacrificed the common interest to personal prepossessions or sectional demands. Virginia and the Border States complained that he thought less of them than of his beloved Mississippi and the neighbouring communities. But, in truth, the cardinal vice of his policy was that it failed. If it had succeeded, its critics would have been silent, if not effusive in their praise. Measuring, as we can now measure, the conditions of the problem with which Jefferson Davis had to deal, we are unable to see how he could have hoped even against hope to secure the independence of the South, except by an audaciously assertive and domineering policy. The stake for which he was playing was a high one; it was nothing less than the future of the Slave Power, no longer fettered by alliance with the Northern States, but permitted to extend its territory to the furthest limits of Texas, and at no distant time to absorb the dominions of the enfeebled Mexican Republic. Slavery in the Southern States was doomed to perish, and to bring to ruin the class of whom Jefferson Davis was an able and bitter champion, unless it could obtain opportunities of expansion. This was the inducement which led the South to accentuate the doctrine of State rights, and to imperil nominally on that issue the large share of political influence and administrative authority monopolized by Southerners under the Union. For yielding to the temptation the South was promptly and sharply punished; long before the close of the war it was manifest that, whatever the result, the property of the slave-owners was destroyed. Jefferson Davis himself had nothing to expect but ruin. His career after the fall of the Confederacy was not in all respects worthy of his high place. He was the most conspicuous example of the clemency of the government of the Republic, yet he rarely spoke a good word for the institutions and the politicians of the North. With all his activity and

audacity, all his firmness and force of character, there was in him more than one mark of a narrow mind—an unforgiving moroseness, a determination to make himself out in the right on all occasions, and an inability to estimate truly the relative value of men and things. These defects, as well as others of a literary sort, unfitted him for the task, which he undertook in his declining years, of writing the history he had so large a share in making."

This long, able and discriminating summary of the Civil War, and analysis of the part which Jefferson Davis bore in it, derives its significance almost wholly from its source. But an American, conversant with the course of affairs in his own country in the very year of Jefferson Davis's death—and he reached the patriarchal age of eighty-one—is impressed with another summary which public opinion was formulating in Mississippi, Mr. Davis's native State and home throughout his long life, in the work of the State Constitutional Convention which assembled at Jackson in August, the summer following, 1890. It had long been under discussion to revise the organic law of the State. Finally, on the first day of November, not quite a year after Mr. Davis's death, this Convention promulgated a Constitution which remains the supreme law of the State of Mississippi. In the Bill of Rights of this Constitution, it is declared:

"The right to withdraw from the Federal Union on account of any real or supposed grievance, shall never be assumed by this State, nor shall any law be passed in derogation of the paramount allegiance of the citizens of this State to the government of the United States."

The solemn affirmation of this doctrine and its inclusion in the Bill of Rights of the Constitution may be said to be, to use the phraseology of the *Pall Mall Gazette*, "the epitaph over the grave in which the suicide of Secession buried the doctrine of State Rights."

But this able Convention also passed an ordinance perhaps of even deeper significance: "That all permanent factories hereafter established in this State for working cotton,

wool, silk, furs or metals, and all others manufacturing implements or articles of use in a finished state, shall be exempt from taxation for a period of ten years." And the ordinance was placed beyond legislative repeal for five years.

In slavery days no Southern legislature or Constitutional Convention would have thought of adopting such an ordinance, and no Southern State would have tolerated the doctrine of the paramount authority of the United States. With the passing of slavery there went all the economic heresies which it uttered and which maintained it. The Mississippi ordinance of 1890, encouraging manufactures, exemplifies the industrial revolution which the Civil War—in so far as it was the instrument in the overthrow of slavery—made possible at the South. The Civil War in its most profound meaning was an economic revolution as well as a vast national readjustment.

One may well contrast this Mississippi ordinance of 1890 with the declaration of causes for Secession issued by South Carolina just thirty years earlier:

"They (the Northern and Southern States) are now divided between agricultural and manufacturing, and commercial States; between slaveholding and non-slaveholding. Their institutions and industrial pursuits have made them totally different people. . . . We prefer, however, our system of industry, by which labor and capital are identified in interest, and capital, therefore, protects labor—by which our population doubles every twenty years—by which starvation is unknown, and abundance crowns the land—by which order is preserved by an unpaid police, and many fertile regions of the world, where the white man cannot labor, are brought into usefulness by the labor of the African, and the whole world is blessed by our productions."

When Mississippi seceded from the Union, in 1860, the cotton crop of the South was 5,387,052 bales; when, in 1890, it adopted its industrial ordinance, encouraging the investment of capital within the State, in manufacturing, the cotton crop was 7,472,511 bales.

And in 1860, the South was convinced that cotton could be profitably produced, if produced at all, only by slave labor. The present industrial condition of the South is the refutation of every economic and political doctrine enunciated by Jefferson Davis and his fellow-Confederates in 1860.

When Lee and Johnston surrendered, the Union armies had over a million men in the ranks. Within six months 800,000 Union soldiers returned to their homes and resumed their occupations. During the year closing with June 30, 1865, the army cost the United States \$1,000,-000,000; two years later, reduced to a peace standing of 54,000 men, the annual cost was less than \$100,-000,000. The aggregate number of engagements fought during the war was 2,261, and the number of Union soldiers engaged in them (reduced to a three years' service), 1,556,-678; of Confederates, 1,082,119. In the Union army 67,058 were killed in battle; 43,012 died of wounds; 24,872 died from accidents, and 224,586 from disease. The total number of deaths was nearly 360,000. It is estimated that the Confederate armies lost 94,000 killed, and 164,000 from disease and accident. Of the Union dead, there were buried in National Cemeteries 318,870, of whom nearly 150,000 (147,568) are marked "unknown"—that is, these cemeteries are the final resting-place of more men than reside to-day in the city of Philadelphia. The total number of men furnished by the States and Territories for the Union armies, not counting those credited to the navy, exceeds 2,850,000: that is a greater number than of men, of twenty-one years and over, in the cities of New York, Chicago, Philadelphia and St. Louis at the present time. If to these be added the number furnished by the South to the Confederate armies, the grand total is not far from 4,000,000—constituting the largest armed force known, by indisputable evidence, ever to have been engaged in one country at one time. The area over which this vast military body operated was nearly 200,000 square miles, bounded on the east by a blockaded coast line of more than 3,000 miles. The debt caused by

the war has been variously estimated: the national debt on the day Lincoln died, had it then been adjusted, was \$3,000,-000,000. The Confederate debt and all cost of the war was a total loss to the South: the amount is not known; it has been estimated at from \$1,500,000,000 to \$3,000,-000,000.

During the war the North prospered. All forms of industrial activity were stimulated; labor was scarce, wages were high, profits large. The people of the North accepted the "forced paper issues" of the government and circulated them practically at par, though on July 11, 1864, when General Early threatened Washington, gold sold at 285—that is, a paper dollar was worth in gold only about thirty-five cents. But at no time during the war can money at the North be said to have been scarce. When the war closed there had been for some time no specie in circulation—the paper issues of fractional currency, five cent, ten, twenty-five and fifty-cent scrip taking the place of small coin.

Yet the North prospered. Perhaps the most significant measure of its prosperity during the war is agricultural. The extraordinary market for food and clothing gave value to farms and farm products. Wheat sold at \$3.50 a bushel, a paper-money price, but to the farmer \$3.50. To this day "war prices" for farm products are the ideal returns, at the North. The soldiers, a million in number, suddenly returned to pacific pursuits, went to work at once at the most profitable and accessible work: this was farming, for the greater number. The immediate effect was the exploitation of the Northwest—Wisconsin, Minnesota, Kansas, Nebraska and the more intense cultivation of farms further east. In 1860, the value of farms in the North—that is the free States, was \$4,322,450,258; in 1870, \$7,651,935,273; and the greatest relative increase was in the Western States and Territories—Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, California—mostly Territories at the time—\$70,000,000 (1860) to \$178,000,-000 (1870).

Further activity at the North is disclosed by the production of wool—47,000,000 pounds in 1860; 89,000,000 pounds in 1870; and in bushels of wheat: 34,000,000 in 1860; 75,000,000 in 1870. The increase both in wool and wheat was relatively greatest in the newer portion of the North—the West.

During this period the South stood still, or actually fell away in production: incident not only to the actual presence of war but to the confusion and distress inseparable from a radical change in its economic system—from slave labor to free. The war demonstrated that a slaveholding community cannot hope to meet a free-labor community on equal terms—a conclusion which the two sections of the Union had been demonstrating for thirty years before the war began. No conclusion enforced by the war had not been anticipated: and perhaps the fulfillment of no prophecy was more literal than that of Lincoln, made at Springfield, more than two years before Fort Sumter was fired on that the Union could not exist half slave and half free; that it would become all the one or all the other.

At the North the war has never engrossed public attention and private speech so much as at the South. The Northern mind is hostile to war; it delights in the victories of peace. The Northern mind loves to contemplate industrial enterprises, engineering conquests, the pursuits of the farm and the field: therefore the North has never cherished feelings of bitterness towards the South. To the active Northern man of to-day the Civil War seems as remote as the Revolution. The illusion is accented by the presence of surviving veterans—now mostly feeble and grey-headed men. The young North forgets that the Civil War was fought by young men—youths in their 'teens, and twenties: that men were major-generals, in those days, at thirty-four, and that Grant acceded to the command of all the armies of the United States at forty-two.

As the war proceeded, the general plan for the suppression of the rebellion cleared up and was adhered to till the end.

A strict blockade, proclaimed April 19, 1861, by President Lincoln was enforced, and thoroughly after midsummer of that year. It prevented the Confederacy from exporting a pound of its products and from receiving supplies of any kind, save by "running the blockade," easy at first but soon a very hazardous business. This line of blockade was upwards of 3,500 miles—the sinuous Atlantic coast bounding the Confederacy on the east, and the Gulf coast on the south. A second part of the plan was to keep the border States in the Union—Delaware, Maryland, Kentucky, Tennessee and Missouri. This was difficult; they were slaveholding States, contained a divided people, some favoring, others opposing the Confederacy: but they remained in the Union. More than this, their number was increased by the creation of West Virginia, comprising forty-eight western counties of Virginia. A third part of the plan was to surround the Confederacy by armies and fleets and crush it to death—the "anaconda policy," as it was called: carried out by opening and controlling the Mississippi River, thus dividing the Confederacy in twain; by destroying the internal resources of the Confederacy—Sherman's "March to the Sea," and by conquering its military strongholds in detail, as at Fort Donelson, Vicksburg, Petersburg and Richmond. However easy this reads it was one of the most stupendous undertakings in military history.

In its civil aspects the war was, on the part of the Nation, a war for freedom; on the part of the Confederacy, a war for slavery; defensive, the Nation; aggressive, the Confederacy. The results of the war were immediate and far-reaching. The immediate results were the abolition of slavery and the emergence of the United States as a world-power. The war demonstrated that a "nation of farmers and traders," as the *London Times* was pleased to describe the United States, "could," as Lincoln expressed it, "keep the jewel of liberty in the family of freedom." It also proved that a Slaveholding Confederacy tending toward the Tropics could not be established in North America. It revealed to

the American people, as to the world, the marvellous creative power of the North. It gave an impetus to industrial activities which cumulating in power and efficiency have given the United States its economic place among the nations. One notable and immediate effect of the war was the opening up and settlement of the West which began while yet the war was half over. It compelled as it invited railroad extension at the North, the perfection of facilities of transportation. The modern railway system dates from war time. An extraordinary feature of the struggle was the revelation it made of the wealth of the nation's resources and its almost inexhaustible credit. This discovery was not without its perils and disasters, for it tempted communities and individuals to extravagance, over-speculation and even to corrupt acts. The Christian world was profoundly stirred by the war; the Sanitary Commission came into being, the sympathy of men North and South was touched as never before. But, in a political sense, the chief result of the war was the coming of the Nation to itself and to its own. The war set a measure of action, of ideals, of sacrifices, for all time; its action was continental, its ideals as lofty as the quality of freedom, its sacrifices, the service and the lives of multitudes of men in the flower of youth. It exalted human effort by its gift of freedom to four million slaves; it forever removed from the Republic the reproach of slavery. It familiarized the American people with vast undertakings and stripped labor of its terrors; it exalted the self-confidence of the Nation, convincing it of its impregnable position as the guardian of free institutions. It dedicated the New World to freedom and self-government and placed them among the laws which regulate the moral order of the world. It brought into fame a great company of men, of whom Lincoln and Grant are chief: the one, a rail-splitter in early life; the other, a tanner at work in the vats when the war broke out. It exalted industry and labor and stripped from the skeleton of a false chivalry the flaming military rags that wrapped it about. It dethroned King Cotton as Despot

of the New World and made iron and steel and wheat and hay and wool and corn and potatoes, and all the products of field, forest and mine the mere instruments of civilization. It divested religious creeds of the bigotry of slavery and transformed nominal Christians into good Samaritans: it put a new interpretation upon the Bible itself by reading aright its spirit of freedom, peace and goodwill. And finally, it inspired the victorious Nation to a clemency towards the vanquished Confederates such as was never before displayed by the victor: it bred that lofty and rarer spirit of "malice towards none and charity for all."

The war cleared away forever all doubts of the nature, scope and administrative power of the United States as a Nation. It demonstrated that the doctrine of State sovereignty is not administrable and must be rejected in the interpretation of republican institutions in America. It proved that the National quality of American citizenship is paramount to the State quality. And it also proved, as the Constitution of Mississippi of 1890 declares, that a State in the American Union has not the right to withdraw because of any real or supposed grievance. It is one of the paradoxes of history that the States which insisted on the right of secession should have made themselves the instruments of proving the indissolubility of the Union.

Viewed in its larger meaning the Civil War was a change in a state of the national mind, comparable to the advance to a higher plane of the waters of the great encircling sea because of cosmic changes. The North saw and still sees in the Confederacy what a Southern historian of the conflict calls "the most absolute and arrogant despotism." The North believes that the mighty struggle was a struggle between free Nationality and slaveholding Confederacy and leaves to the considerate judgment of all history the motive and spirit which animated it throughout that struggle.

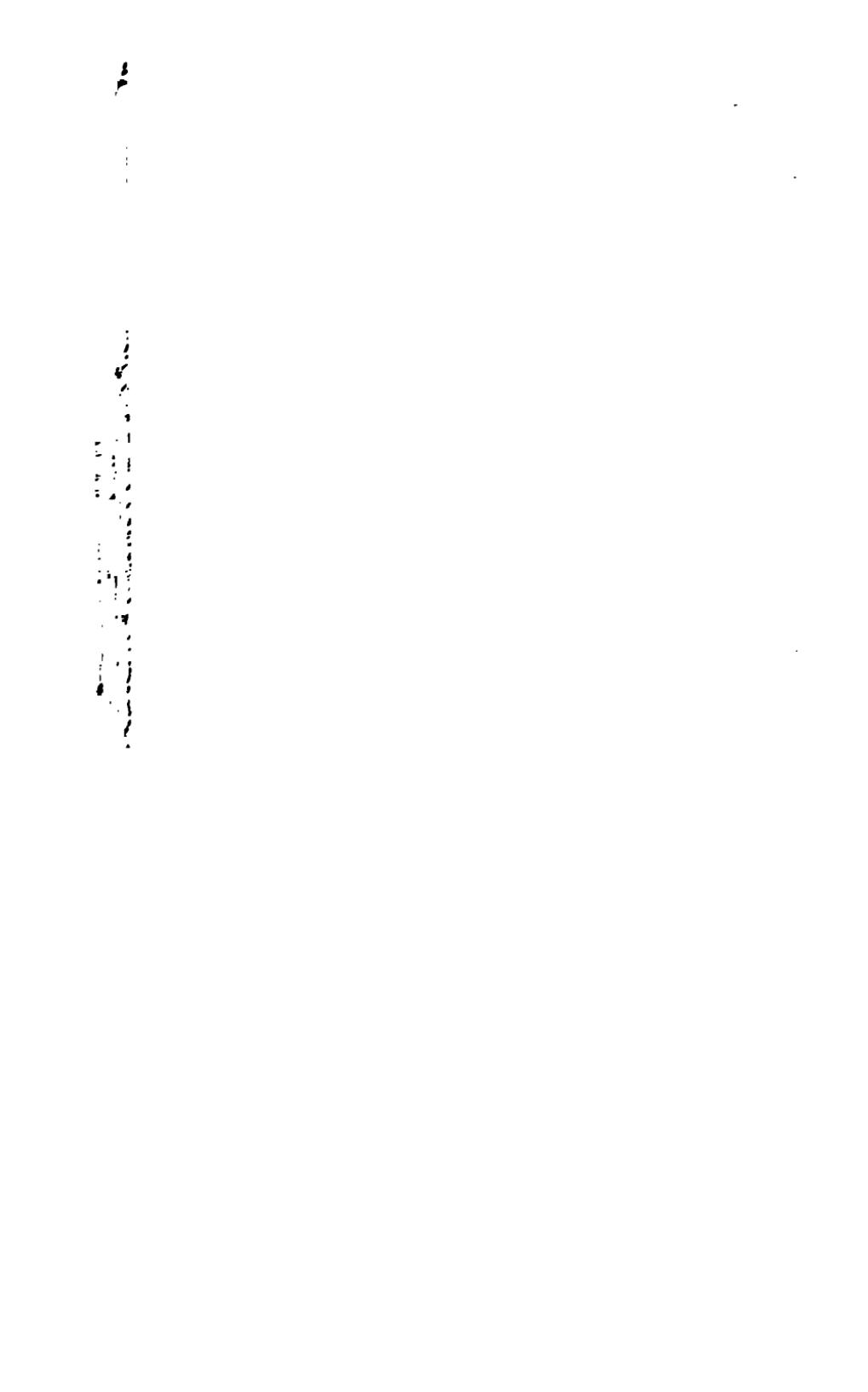
Historians and writers on the war seem to have failed to take note of the singular absence from literature of any

speech, or phrase which embodies the Southern Confederacy. Great and humane movements, culminating in revolutions, have a literature of their own—like the literature of the American Revolution which has become the familiar speech of the world. America cherishes the words of Washington, and Patrick Henry, of Jefferson and Adams, of Pinckney and Marshall. Their utterances were the principles and remain the principles of civil liberty. No such words, no such utterances fell from the lips of any adherent of the Southern Confederacy. Lincoln's words have passed into the speech of the world: but who remembers any utterance of Jefferson Davis and cherishes it as the voice of hope and consolation; of liberty and justice; of tenderness and humanity?

The Southern Confederacy had no excuse for existence. Courts of Justice and Congresses have pronounced all its acts illegal and void: but the world would needs have treated them so even without this formal reminder of their character. No one sings a Confederate song; no one quotes a Confederate poem; no one remembers a Confederate speech. For four years a Confederate Congress assembled in Richmond: and had its members all been born dumb the silence from world-speech could not be more perfect. Men study Cicero's Orations, and Demosthenes's Philippics to this day as men till the end of time will study Lincoln's Gettysburg Oration and the Second Inaugural, because the heart of man recognizes its own and the principles of right and justice are eternal.

The Civil War called forth from obscurity a man whose thoughts and words and public services must for all time remain the truest exposition of the causes and the purpose of the conflict: Abraham Lincoln. No interpretation of that mighty change in the Nation's mind surpasses that interpretation which he gave at the dedication of a portion of the field of the war's greatest battle, Gettysburg:

"That this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people, shall not perish from the earth."



APPENDIX

FINAL EMANCIPATION PROCLAMATION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:
A PROCLAMATION

WHEREAS, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State, or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

"That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith represented in the Congress of the United States by members chosen thereto at elections wherein

a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States."

Now, therefore, I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as commander-in-chief of the army and navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana (except the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terre Bonne, Lafourche, St. Mary, St. Martin, and Orleans, including the city of New Orleans), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth), and which excepted parts are for the present left precisely as if this proclamation were not issued.

And by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are, and henceforward shall be, free; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons of suitable condition will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this first day
of January, in the year of our Lord one thou-
(L. S.) sand eight hundred and sixty-three, and of
the independence of the United States of
America the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

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